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ESSAYS

PHILOSOPHICAL AND MORAL,

HISTORICAL AND LITERARY.



ESSAYS
PHILOSOPHICAL AND MORAL,
HISTORICAL AND LITERARY,

BY W. BELSHAM.

IN TWO VOLUMES.

VOL. II.



*Est quiddam, quod suâ vi nos alliciat ad sese, non emolumento captans aliquo,
sed trahens suâ dignitate: quod genus virtus, scientia, veritas est.*

CICERO.



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ESSAYS

ETHNOGRAPHICAL AND MONIAL

HISTORICAL LITERATURE

BY W. D. BISHOP

TWO VOLUMES



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ESSAYS

HISTORICAL AND LITERARY.

BOOK II.

ESSAY XVIII.

ON THE REIGN AND CHARACTER OF QUEEN ELIZABETH.

DURING a reign of almost half a century, and for a period of a century and half succeeding her death, Queen ELIZABETH was the object of universal reverence and admiration: and to this very day her name, to the bulk of the people, carries with it a sort of magic in the sound. They consider her reign as a kind of golden age, as the halcyon days of perpetual prosperity and felicity. But several persons, eminent for the depth of their historical researches, have recently discovered that the maxims of her government were odious and tyrannical; that her authority

was despotic, and that the political constitution of this country, in her days, bore a remarkable resemblance to that of Turkey at present. This and much more has Mr. Hume, in particular, asserted in a very high and peremptory tone; and as a necessary consequence of these assertions, he has taken much pains to exculpate the two first princes of the House of Stuart, from the accusations brought against them, of introducing arbitrary and unconstitutional principles of government into their administration. According to the representation of that eloquent historian, those monarchs have been treated, both during their lives and since their deaths, with the highest ingratitude and injustice. And if this representation is just, England must pass for the most whimsical and capricious of all nations: for without any reasonable or assignable cause, Queen Elizabeth has ever been, and still is, the object of the highest admiration and applause; whilst the unfortunate James and Charles are regarded, the one with contempt the other with detestation. But this account cannot give entire satisfaction to those who believe human nature to be constituted on certain fixed and immutable principles, and who are consequently inclined to believe that opposite effects cannot well proceed from similar causes in similar circumstances.

Certainly Mr. Hume has no reason to expect
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that we should entertain a very high idea of that philosophy which cannot account for moral phænomena upon moral principles, or which satisfies itself with a vague or general solution, without attempting to trace the connection between the supposed causes and their respective effects. This remarkable opposition of sentiment, it were far more reasonable to account for and justify by a general review of the leading features of her political character and administration, contrasted with those of her successors of the House of Stuart.

During the civil contests which so long prevailed between the rival Houses of York and Lancaster, the regal authority, irregular as the exertions of it sometimes appear, was subjected to a variety of important and salutary restraints. As the one or the other party prevailed, popular laws were enacted in order to acquire and preserve the good will of the nation, which the opposite faction, when in power, could not venture to repeal. And in the reign of Edward IV. Lord Fortescue was able to demonstrate, in striking colours, the superiority of the English constitution and government, compared with those of the surrounding nations;* which indeed was sufficiently manifest

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* Non potest Rex Angliæ ad libitum suum leges mutare regni sui. Principatu namque nedum regali sed et politico ipse

from the reign of the English Justinian Edward I. In the short period that Richard III. held the sceptre, many excellent regulations were made: And when the battle of Bosworth placed the crown on the head of Henry VII. he endeavored, at least in his earlier years, to recommend himself to the favor of the nation, who were in general much attached to the House of York, by similar means. Though it must be confessed that upon the whole, and before the conclusion of his reign, the royal authority was greatly augmented. By his artful policy, the jurisdiction of the arbitrary court of Star-Chamber was much enlarged, and the power of the aristocracy in a great measure broken: and towards the latter end of the reign of his successor, by a remarkable concurrence of causes the royal prerogative had established itself to appearance above all control. But in proportion as those

ipse suo populo dominatur. Si regali tantum ipse præ-esset eis, leges regni sui mutare ille posset; tallagiâ quoque et cætera onera eis imponere ipsis inconsultis; quale dominium denotant leges civiles cum dicant, " Quod principi placuit legis habet vigorem." Sed longè aliter potest Rex politicè imperans genti suæ, quia nec leges ipse sine subditorum assensu mutare poterit, nec subjectum populum retinentem onerare impositionibus peregrinis; quare populus ejus liberè fructur bonis suis; legibus quas cupit regulatus nec per Regem aut quemvis alium depilatur."

FORTESCUE DE LEG. ANG.

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adventitious circumstances which had occasioned this extraordinary exaltation disappeared, new limits were set to the power of the Crown. And during the minority of Edward VI. the constitution was in its most essential points restored. In the succeeding reign, notwithstanding the violence of religious persecution, the parliament gave signal proofs of its attention to the security and preservation of the civil privileges of the nation: and Queen Elizabeth at her accession found herself in possession of a crown, invested indeed with ample and splendid, and in some measure indefinite powers; but these powers were to be exercised over subjects possessing privileges of the most important nature: some of them of high antiquity, of the value of which they were perfectly sensible, and which nothing short of the most outrageous violence could deprive them of. It may even be affirmed, that the condition of the lower classes of people was at that time in many respects preferable to what it now is.

In the middle of the sixteenth century the feudal system was expiring, villanage was virtually abolished, and all orders of men enjoyed the protection and benefit of the same general system of laws. In those days justices of the peace were not, as at present, a sort of cadies, the ob-

jects of dread and terror to the surrounding villages; nor were there game laws, or poor laws, or revenue laws at that time existing, to be made the instruments of tyranny, oppression and revenge. The liberty and property of the higher ranks were effectually secured by the equitable and simple maxims of the common law, aided by the established forms of judicial proceedings, and by many wise and salutary statutes. And though it was not at that period supposed possible to support the just authority of government, without exercising upon certain occasions an over-ruling discretionary power; yet as this interposition comparatively speaking did not often occur, and only in cases which were supposed more immediately to affect the safety of government, it did not in fact give any great shock to the general system of liberty. And the arbitrary acts of the council or the Star Chamber, while a firm confidence in the wisdom and justice of the government prevailed, did not more disturb the public tranquillity, than the eccentric motions of comets interrupt the general order and harmony of the solar system. The itinerant judges and the courts in Westminster Hall were the usual and regular channels through which justice and judgment were distributed to the whole kingdom, and every true and loyal subject, to
adopt

adopt the words of the great dramatic bard,
 " could in her days eat in safety"

" Under his *own* vine what he planted ; and sing
 The merry songs of peace to all his neighbours."

This Princess succeeded her sister, the detestable Mary, at a very critical period. The nation was divided between two powerful and implacable religious factions ; and, moreover, involved in a war with France equally unpopular and unsuccessful. Her title was by many thought questionable. She was destitute of foreign alliances, and even of the support of any persons eminently distinguished for authority or influence at home. In this precarious situation, her great dependence was on the fidelity and affection of her people. These she resolved, by every possible means, to cultivate ; and her success was equal to the highest expectations she could form. The English nation, with all that ardor and generosity which constitute a distinguished part of their character, repaid her attention and solicitude for their welfare with an affection and gratitude which knew no bounds. And, in the warmth of mutual confidence and mutual attachment, it was scarcely perceived, that the extensive and undefined powers of the crown were incompatible with the liberty of the subject ; or that the necessary security of that liberty loudly called for

a diminution or circumscription of that prerogative, which they saw exercised so much to the advantage of the public. But not to dwell in generals, there is no difficulty in specifying several particulars, in which the political character and conduct of Elizabeth differ very essentially from her immediate successors.

And, 1st, Nothing can be more evident, throughout the whole course of her reign, than her constant and anxious solicitude, that all her political transactions should have the stamp and sanction of national approbation. Her great popularity is sometimes represented as the effect of artifice. She was possessed, it is said, of the arts of insinuation; she knew how to cajole, how to soothe, and to flatter. But can any one believe, that, in the course of more than forty years, these arts should not have been detected? If, at that time, a full persuasion of her sincerity prevailed, it is certainly harsh and unjustifiable, at the distance of 200 years, to stigmatize her laudable endeavors to please with the appellations of deceit and simulation. Not that a degree of art may not, upon some occasions, have been used with success: but if she had not been really desirous and anxious, that all her determinations, in matters of public import, should be approved by the people, and if she had not, in a great measure, regulated her political

ical conduct by the views and sentiments of the nation at large, it is impossible that all her arts could have availed to produce a general or permanent satisfaction. With what address and caution did she conduct the great business of restoring the Protestant religion! What nice attention to the national sense of honor appeared in settling the terms of the Treaty with France! For though she well knew that Calais was irretrievably lost, and, probably, did not even wish for the restitution of it, as it was a favorite object of the nation, she would not, by an absolute cession, give too great a shock to their hopes and prejudices. When pressed to marriage by the Parliament, in what soft and gracious terms did she couch her refusal! "She was already wedded; England was her husband, and all Englishmen her children." The part she took in the affairs of Scotland was perfectly agreeable to the sentiments of the nation, and also to every principle of sound policy. Notwithstanding that her jealousy was unavoidably awakened by the exorbitant claims so openly advanced by the Queen of Scots, and by her obstinate refusal to ratify the Treaty of Edinburgh, she yet shewed her disposition to maintain an amicable correspondence with that Princess after her arrival in Scotland. And her succeeding misfortunes were owing not to the intrigues of

Eliza.

Elizabeth, but to her own unexampled indiscretions, or rather her own atrocious criminalities. For, after all that has been said in her favor by way of exculpation or apology, there can scarcely exist a doubt of her being an accomplice in the murder of the King, her husband, and of her being passionately and criminally devoted to an abandoned profligate. To suppose the guilty letters of Mary to Bothwell to be "a forgery of Murray, in concert with Elizabeth," is an hypothesis which unites the two extremes of scepticism and credulity. If Elizabeth had formed a previous resolution, inimical to the restoration of Mary, there were, surely, public grounds amply sufficient to justify her abandoning that unhappy Princess to her fate, without adopting a procedure so grossly infamous. The fact manifestly is, that Elizabeth, knowing these letters to be in the possession of Murray, insisted, for good reasons, that they should be produced. And, after much hesitation, the Scottish nobles, who were satisfied with the actual deposition of Mary, and who, for obvious and weighty causes on their part, wished not to proceed to farther extremities against her, in order to secure the protection, and to fix the apparently wavering and ambiguous conduct of Elizabeth, came, at length, to a resolution, as appears by the act of Secret Council, passed December 4, 1567,

"That

"That the lords, barons, and others, can find no other way or moyen how to find or make the said security, but by opening and reveling the trewth and ground of the whole matter, in as far as, by divers her privie letters, sent by hir to James Erle Bothwell, chief executor of the horrible murder, it is most certain, that she was previe art and part and of the actual devise and deid of the murder of the King."*

When the Queen of Scots was thus convicted of murder, adultery, and mal-administration, and was actually deposed upon those grounds, by her own subjects, is it just that Elizabeth should be the theme of reproach, for detaining that Princess in safe custody? Was the peace and security of both kingdoms to be hazarded, or rather sacrificed, from the apprehension of incurring the censure of historic speculatists 200 years after the event? In short, is it history, or is it romance, we are contemplating? To indulge the emotions of generous sympathy is

* This," says Mr. Whitaker, in the warmth, or rather the fury of his zeal, "is the fullest and most decisive vindication of MARY that can be invented or executed by the powers of man. So full and decisive an attestation to the justness and mildness of her government, and to the propriety, amiableness, and exemplariness of her personal behaviour, as, perhaps, no other Queen ever had." Most assuredly not; and he might have added, that is is such a testimonial of good behaviour, as no future Queen will ever be ambitious to obtain.

doubtless

doubtless very pleasing, while we regard Mary as a paragon of excellence, suffering under a cruel and unmerited persecution. But the enchantment dissolves, when we recollect that this charming and accomplished heroine was deprived of her crown, on account of the public infamy of her conduct; that her privileges as a sovereign from that moment ceased; that as she presumed to lay claim to the kingdom of England, as her undoubted right by hereditary succession, it was incumbent upon the government of that kingdom to prevent her taking any active or violent measures to enforce this claim. And surely it would have been the height of infatuation to set this high-spirited Princess at liberty, when she would not even in captivity consent to renounce her claims. In fine, when she subsequently engaged in a conspiracy against the life of Elizabeth, she justly forfeited her own, though it would indeed argue a heart void of sensibility not to breathe a sigh over her unhappy fate.

The assistance afforded by Elizabeth to the United Provinces, against Spain, and to Henry IV. of France, during the continuance of the league, perfectly co-incided with the views and inclinations of her own subjects, and was productive of the most important and beneficial effects. The war with Spain, which was the necessary consequence of these measures, was as
popular

popular as it was glorious: and though in one important point she declined gratifying the wishes of the kingdom, by delaying to settle the succession to the crown; and there were indeed political as well as personal reasons of great weight why a successor should not be appointed; yet she made it sufficiently evident, that her views and intentions in that grand point entirely coincided with those of the best and wisest men in the nation; who all turned their eyes to the King of Scotland as the man, destined by Providence to unite, in bands of eternal amity and concord, two nations which had for so many ages subsisted in a state of mutual distrust and enmity.

But if we pass on to the reign of this monarch and his son, the unfortunate Charles, what a contrast! In what single instance do we find the interests of the people consulted, or their wishes gratified? Not in the countenance and encouragement given by the court to the Catholic religion, at a time when the principles and practices of the Puritans became every day more prevalent. Not in sacrificing the gallant Raleigh to appease the anger and resentment of Spain—Not in the desertion of his own children, the King and Queen of Bohemia, under their accumulated distresses—Not in the mean and servile court he paid to the House of Austria, in his attempts to procure the restoration of the Palatinate, and to accomplish
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that great object of his ambition, the marriage of his son with the infanta. Neither can it be said that his son and successor, Charles, discovered any greater condescension, for the opinions or prejudices of his subjects, in espousing a Catholic Princess, and granting, in consequence of this alliance, additional privileges and immunities to the professors of that religion—Or by involving the nation in two dangerous and successful wars, to gratify the preposterous vanity and resentment of a worthless favorite—By levying taxes, in a time of profound peace, by virtue of the regal authority—By a professed intention of governing without parliaments—By violent attempts to suppress Puritanism in England; or, by still more violent attempts to introduce the most odious innovations of a religious nature in Scotland. But no farther enlargement is necessary on this point. It is too plain to be denied, that the public measures of Elizabeth were, in general, agreeable to the sense of the nation; and that she wished and endeavored they should be so; and it is as plain, that in the succeeding reigns public opinion was wholly disregarded, and that almost all the measures of government were the result of pride, obstinacy and folly.

2dly, The contrast between that great Princess and her successors appears equally striking, if we consider their respective characters in what
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may be termed a legal point of view; or as sovereigns possessed of a limited authority. Though it must be confessed that the deportment of Queen Elizabeth, notwithstanding her general affability, was upon some occasions sufficiently imperious, it does not appear that she ever had an idea of advancing such exorbitant principles and pretensions as James I. perpetually insisted upon in his reasonings and speculations upon government; and which Charles, fatally for himself, attempted to reduce to practice. Mr. Hume asserts that the only business of parliament in this reign was to grant subsidies. "They pretended, indeed," says he, "to the right of enacting laws." Pretended! and did they not exercise this right? If Mr. Hume had taken the trouble to consult the statute book, he would have known that very important and salutary laws were enacted in this reign; though the absurdity of multiplying useless, complex, and oppressive legislative regulations and restraints was wisely and happily avoided. Lord Chief Justice Fortescue entertained, certainly, much more lofty ideas respecting the authority of this assembly, when he refused "in any wise to determine the extent of the privileges of the high court of parliament. For," says he, "so high and mighty is it in its nature, that it may make that which it pleases to be law; and that which is law, it may make no law; and the

the determination and knowledge of the privilege of parliament belongs to parliament only." It was a famous apothegm of the Lord Treasurer Burleigh, that England could be ruined only by a parliament; and Sir Edward Coke says, "the power and jurisdiction of parliament is so transcending and absolute that it cannot be confined either for causes or persons within any bounds. *Si antiquitatem spectes*, he adds, *est vetustissima; si dignitatem est honoratissima, si jurisdictionem est capacissima.*" The parliament, indeed, did not assume a power of controlling the crown in "matters of state," as they were called, or, in other words, of directing the transactions of the sovereign with foreign powers. And the Queen's conduct, in this respect, gave such entire satisfaction to the public, that they were under little or no temptation to interfere; but they usually confined themselves to the less splendid but more useful employment of superintending the domestic concerns of the nation. And it is observable, that to this day parliament possesses no authority, properly speaking, respecting foreign affairs; though the extensive powers vested in that body, and the utter inability of the crown to support itself without assistance, give it the highest degree of influence whenever it judges interference necessary. On the other hand, the influence of the crown over the legislative assemblies

blies is, in modern times, by the most unconstitutional and unexpected means, so enormously increased that the control of parliament over the crown is become the mere echo of a sound.

Mr. Hume is pleased to assert that England had less reason to boast of her liberties in the reign of Elizabeth than the generality of foreign nations at present. But let us for a moment suppose that the authority of the general assembly of estates in France were restored; that all traces of vassalage were abolished; that trials by jury were introduced; that in the regular courts of judicature nothing were regarded as law but what had been virtually assented to, or expressly enacted by the representatives of the people; that individuals of every rank in public stations were divested of all discretionary powers, and obliged to conform their conduct to the standard of the laws; that the formidable standing army of that kingdom were annihilated, and taxes levied only by the authority of the estates of the realm*; would any man in his senses take upon

* In the short space of time which has elapsed since the above was written, all this, and much more than this, incredible as it must then have appeared, has been actually accomplished in France; which has exhibited to an astonished world the unprecedented example of a great and enlightened nation, by one daring and glorious effort, shaking off the chains and fetters of despotism, though rivetted by the prescription of ages, "as dew-drops from a lion's mane."

him to say, notwithstanding that the authority which remained to the crown might be in a great degree indefinite; notwithstanding the existence of irregular courts which might be empowered to take cognizance of extraordinary cases; notwithstanding that the sovereign might sometimes use very lofty and imperious language to the legislative body; and even dare occasionally to violate their established rights and privileges; would any man venture to say that liberty had not made very great advances in that kingdom; could it be denied that they were in fact possessed of a constitution, on the basis of which a regular and permanent system of liberty might easily be founded? If, indeed, the government of a country in such circumstances was conducted with address and ability; if the public interests were upon the whole understood and pursued; if the extraordinary and irregular exertions of prerogative were such as the necessity of the state seemed to justify; if a due regard was paid to public opinion, and a just reverence maintained for the authority of the laws in the common and ordinary course of proceedings; the general satisfaction and popularity attending such a government must naturally preclude any vigorous attempts to improve the constitution, or establish the principles of liberty on a more secure or extensive foundation. These speculative ideas

ideas nearly correspond with the real state of things in the times of Elizabeth. But if the sceptre should, in similar circumstances, devolve to weak or obstinate princes who held public opinion in contempt; who pursued measures incompatible with the public interests; who had the imprudence upon every occasion to advance speculative principles utterly subversive of civil or political freedom; who insisted that the privileges of the subjects were derived merely from the grace and favor of the sovereign, and the power of the sovereign from God alone; and especially if these despotic principles were reduced to practice; if they were converted into fundamental maxims of government; if there were evident marks of a regular and concerted plan for the extinction of popular privileges, and for reducing the nation to the most abject state of submission to the will of the monarch; if no other reason than "Such is our pleasure" were assigned for the most irregular and violent exertions of power; a nation must be destitute of every spark of public virtue and public spirit, and even deaf to the dictates of common sense, who did not, in consequence of such alarming inroads upon the constitution, take occasion to scrutinize with more accuracy into the nature and foundation of human authority; who did not make use of the advantages they possessed to cir-

cumscribe within narrower limits, and to ascertain by more exact boundaries those powers and that prerogative which had excited such just and general apprehension. This representation is perfectly applicable to the state of affairs in the reigns of James and Charles.

Mr. Hume expresses his surprize that so different a fate should attend the memories of Henry VIII. and Charles I. but there is, in fact, nothing very extraordinary or singular in the case: Henry VIII. was, undoubtedly, a tyrant, but he was at the same time possessed of qualities which will always command a certain degree of respect; and it must be considered, that though a variety of causes then concurred to disturb the balance of the constitution, and to throw a prodigious weight of power into the scale of the crown, yet the parliament was usually made, even in that reign, the instrument of regal tyranny; by which means he not only gave dignity and efficacy to his measures, but escaped a great share of the popular odium which would otherwise have attended him. Let it be considered, too, that Henry never went the lengths in the delicate and dangerous business of taxation which Charles ventured to do: not to mention that, in the long period of a century, very essential alterations in a political system may reasonably be supposed to take place. And it is as preposterous to attempt
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to justify or palliate the arbitrary conduct of Charles I. by appealing to precedents drawn from the reign of Henry VIII. as it would be to vindicate any illegal or unconstitutional practices of the present reign by an appeal to the direful precedents of the latter days of Charles II. In the beginning of the seventeenth century the maxims of the reign of Henry VIII. were become obsolete. Men were accustomed to another mode of government. Their minds were occupied by the recollection of the glorious and prosperous times of Elizabeth, when uninterrupted affection and harmony subsisted between the sovereign and the people: and if the prerogative was occasionally exerted in an irregular and arbitrary manner, those very exertions were seen or were thought at least to be necessary, and no apprehensions were entertained that they were the result of a fixed and preconcerted plan to enslave the nation. Charles I. was a tyrant as well as Henry VIII. but he attempted the part at a period far more unfavorable to the success of his designs. Mr. Hume pretends that the circumstances in which he was placed were in the highest degree critical; and plausibly apologizes for him by saying, that his capacity was not equal to situations of such extreme delicacy. But his situation at the commencement of his reign was not to be compared, in point of difficulty, with

that of Elizabeth. In the progress of it, indeed, it must be confessed that he frequently involved himself by his own imprudence, or rather infatuation, in circumstances of such extreme difficulty, that had he even possessed the capacity of Elizabeth, he could not have extricated himself with honor. But it surely required nothing more than a common share of common sense, to see that the temper of the times would not endure even those stretches of prerogative which were thought necessary, or excusable at least in the days of Elizabeth; much less any wanton or novel exertions of power; and least of all, would it bear an open and almost avowed design, to reduce the nation to a state of such abject and unreserved submission, that if it had succeeded, Mr. Hume might indeed have had reason sufficient for his assertion, respecting the resemblance of the English government to that of Turkey.

It must, without doubt, greatly surprise those who conceive of Queen Elizabeth, as a Princess possessed of despotic authority, which is the idea Mr. Hume labours to inculcate, to be made acquainted with many circumstances of her conduct and management during the course of her reign. In the very commencement of it, the odious and sanguinary instruments of her sister's cruelties escaped with impunity, because they had acted under the sanction of the law. So mild were the
maxims

maxims of the government at this period, that the detestable and inhuman Bonner himself could venture to appear in public, and even at court, with perfect security. The Queen, indeed, it is remarked, averted her eyes, no doubt with horror, from that man of blood; but no other mark of disgrace or resentment followed. Bishop Burnet informs us, that Cecil and the other counsellors of Elizabeth, were unanimously of opinion, "that no steps should be taken by the Queen's highness to restore the Protestant religion, till a Parliament could be summoned." And we accordingly find, that nothing of consequence was done in that important business without the sanction of legislative authority. In the ensuing Parliaments the affair of the succession, which had been slightly touched on by the preceding one, was resumed with great warmth, and the Queen was reduced to a very disagreeable dilemma. The right of blood clearly rested in the House of Stuart; but the will of Henry VIII. the validity of which, though founded on an act of Parliament, was nevertheless the subject of much dispute, was express in favor of the House of Suffolk. An authoritative and ultimate decision in favor of either, must be attended with obvious inconveniences to the reigning sovereign.

To prevent the Commons from urging the matter farther, she was obliged, contrary pro-

bably to her real intentions, as well as her former declarations, to give them some hope and intimation, that she entertained views of entering into the marriage state. With these hopes they appeared in a great degree satisfied, but time proving them to be fallacious, they renewed, in a few years, their application for a settlement of the crown with greater vehemence than ever. The Queen, on this occasion, was so far provoked as to prohibit the House from proceeding in this matter, but little regard being paid to her orders, however peremptory, she thought proper by another message graciously to revoke them, and to allow the House liberty of debate. She again intimated her intentions of speedy marriage; but finding this artifice did not make much impression, she plainly declared her apprehensions that the appointment of a successor would be attended with great danger to her person: that she knew, by her own experience, during the reign of her sister, how much court was usually paid to the next heir, and what dangerous sacrifices men were disposed to make of their present duty to their future prospects: and that she was therefore determined to delay, till a more proper opportunity, the decision of this important question. The house finding the extreme reluctance of the Queen to comply with their wishes, and impressed, doubtless, with the justice of her observations,

thought

thought proper to drop the prosecution of the subject: and the Queen, on dissolving the Parliament, reiterated her protestations of regard for the welfare and safety of her subjects, and disclaimed the most distant intention of encroaching on their rights and liberties. But still fearing that her conduct might leave injurious impressions, she voluntarily remitted a considerable part of the subsidy voted by Parliament, declaring, that as she had no immediate occasion for the money, she was as well satisfied it should remain in her subjects' pockets, as in her own exchequer.

In the year 1571, another Parliament was summoned, and the principles of the Puritans having made great progress in the intervening years, attempts were made in the House of Commons to procure some farther reformation in religion. But the superintendency of ecclesiastical affairs being vested in the crown by the act of supremacy, the Queen took offence at these proceedings; and went so far as to restrain, by an order of council, a member named Strickland, who had the presumption to move the obnoxious bill in question, from giving his attendance in Parliament. The Commons immediately took fire at this unusual stretch of power; and it was boldly and unreservedly declared, that the members of that House were amenable for their conduct in
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that capacity to no other jurisdiction ; that though the prerogative of the crown ought not to be violated, yet was that prerogative limited by law ; and that as the sovereign could not make laws, so neither was he entitled to break them of his own authority. The court party, by moving an adjournment, prevented the House from passing any violent resolutions upon this occasion : and the next day the Queen had the good sense and moderation to send her royal permission to Strickland to attend his duty in Parliament. Upon a question concerning monopolies, Sir Humphrey Gilbert advised the House to beware, lest, if they meddled farther with these matters, the Queen might look to her own power ; and finding herself able to suppress their challenged liberty, and to exert an arbitrary authority, might imitate the example of Lewis XI. of France, who, he observed, had delivered that crown from *wardship*. A plain indication, surely, that a fundamental difference at this time existed, and was perceived to exist between the two monarchies of France and England.

In the year succeeding the defeat of the Armada, a Parliament was held, and some regulations being proposed respecting the abuses of purveyance, and certain alterations moved in the practice of the Court of Exchequer, a kind of amicable dispute ensued between the Queen

and the Commons. Lord Burleigh, in her name, insisted that these were matters which touched the prerogative; and that the Queen had ample authority to rectify grievances of this nature, if applied to by way of petition. Upon which the House appointed a committee to attend the Queen, and assure her that their conduct did not proceed from want of duty or respect. The Queen received them with the most gracious condescension; and in her turn assured her loving subjects that she had already given orders for an enquiry into the abuses attending purveyance, but that the progress of it was retarded by the dangers of the Spanish invasion: that with the advice of her council and judges, she would redress every grievance which had crept into the administration of the courts of justice; but could not admit that the House of Commons, by laws moved without her privy, should deprive her of the honor attending these regulations.

In the next Parliament application was again made to the crown, by way of petition, against monopolies, which indeed appear to have been sufficiently oppressive. But the Queen replied, "that with regard to these patents, she hoped her dutiful and loving subjects would not take away her prerogative, which was the chief flower in her garden, and the principle and head pearl in her crown and diadem; but that they would rather

rather leave these matters to her disposal." This soft, but evasive answer, so mollified the untoward and uncourtly disposition of the House, that nothing farther was attempted till the next Parliament, which met in the year 1601, and which was the last Parliament summoned in this reign. By this time the abuses of which such repeated complaints had been made, and which it was expected that the Queen would have redressed by virtue of her prerogative, had arisen to an enormous height: and a bill was immediately introduced for the purpose of abolishing monopolies. This measure was vehemently opposed by the court party, on the old ground, that this matter regarded the prerogative: and that the Queen ought to be applied to in the way of petition. Some very extravagant things were advanced on this occasion, respecting the extent of the regal authority, particularly by Sir Francis Bacon and other court lawyers, which were properly animadverted upon by several of the independent members: and when Serjeant Heyne had the assurance to assert, "that the Queen had the same right to the lands and goods of the subject as to any revenue of her crown; the House hemmed and laughed, and would not suffer him to proceed in his speech."* Upon the whole, it appeared to be the unanimous resolu-

* D'Ewes's Journal.

tion of the House, notwithstanding these courtly arguments and harangues, that some effectual method should now be taken to put a final period to these intolerable oppressions. It was urged, that petition after petition had been presented, to no purpose, and that nothing less than an act of Parliament was adequate to the correction of these abuses. But the excellent understanding and never failing political sagacity of the Queen, once more saved her from disgrace. For before the bill had passed the Commons, she sent for the Speaker, and commanded him to acquaint the House, that she would immediately cancel these obnoxious patents. The House, who doubtless entertained an high and just sense of the Queen's general character and personal merits, and did not, without reluctance, proceed thus far in their opposition, immediately, in a formal address, returned their most grateful acknowledgments for this extraordinary instance of her Majesty's goodness and condescension: and the Queen, in reply, made new professions of tenderness, regard, and attachment to her beloved people. "I had rather my heart or hand should perish, said this magnanimous woman, than that either my heart or hand should allow such privileges to monopolists as may be prejudicial to my people. The splendor of regal majesty hath not so blinded mine eyes, as that licentious power should

should prevail with me more than justice. I know that the *Commonwealth* is to be governed for the good and advantage of those that are committed to me, not of myself, to whom it is intrusted. I think myself most happy, that by God's assistance, I have hitherto so prosperously governed the *Commonwealth* in all respects, and that I have such subjects, as for their good I would willingly leave both kingdom and life also."* Thus was this critical affair, which the evil genius of a Stuart would quickly have fomented to a serious quarrel, happily terminated; and the Queen had the satisfaction of parting with her people in Parliament, for the last time, with all that mutual warmth and ardour of attachment which distinguished the auspicious commencement of her reign, more than forty years before. The Queen died in March following, more admired, beloved, and regretted, than perhaps any sovereign whose name is recorded in history. Nor can any one of her predecessors, since the days of Alfred, be placed in any degree of competition with this great Princess, whether we

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consider the popularity, the wisdom, or the success of her administration.

An able, impartial, and accurate history of the reign of Elizabeth is still a desideratum in English literature. A philosophical historian would have ample scope to trace the silent and gradual operation of those moral and political causes, which afterwards produced such mighty effects. During that long, peaceful, and prosperous reign, the administration of government insensibly assumed a more regular and settled form. Men began to reason and to speculate. Though it was in many respects an age of darkness, yet it was an age of enquiry: and the thick clouds, which had so long obscured and enveloped the human faculties, were now visibly dispersing. The rudiments of a free constitution had long been formed. The essential powers of government could not be exercised but by the intervention and with the concurrence of the people. They were not indeed in the habit, but still they possessed the power of making a formidable and effectual resistance to the will of the sovereign. Of this, the uniform conduct of the Queen shews that she was not unapprized. Amid the jealous and incessant solicitude which she discovers to preserve the prerogatives of the crown in the fullest extent and vigour, and the haughty and imperious language, which she was prompted
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both by pride and policy occasionally to adopt, may be discerned a secret dread of involving herself in any serious or permanent quarrel with her Parliaments. And though the tone of authority which she usually assumed rarely failed of its purpose, yet, when the Commons shewed any symptoms of vigour and decision, it was her invariable policy to recede: and so well-timed and gracious were those occasional concessions, that the established authority and reputation of her government were no wise impaired by them. Her great and constant object was to preserve the affections and to conciliate the confidence of the people at large: and she never suffered a dispute to continue so long, or to become so serious, as to interest the feelings of the nation, or to induce them eagerly to engage in the support of their representatives. And the Queen herself made it justly a subject of boast in one of her speeches that she had never parted with a Parliament in anger.

The limits of this Essay allow a very cursory notice only of the events of the succeeding reigns. Certain indications appeared very early after the accession of the Scottish monarch, that new maxims of government were adopted, and new measures of obedience were to be exacted. In the very first Parliament summoned by James, he scrupled not to assert that he was an absolute
King,

King; and that all their privileges were derived from his grant. His extravagant, and even preposterous ideas of the nature of the kingly office and authority, displayed themselves by supposing, that at his accession peace was, *ipso facto*, restored between the English and Spanish monarchies; merely because amity subsisted between himself and the King of Spain previous to that event. The same absurdity of intellect, operating upon the same loftiness of disposition, led him to confound the union of the two British crowns with an union of the two nations; for he maintained, that his subjects born in either kingdom, after his accession, were, of consequence, naturalized in both. He openly asserted it to be sedition in subjects to dispute what a King may do in the height of his power.

Soon after the death of the Earl of Salisbury, A. D. 1613, a Parliament was summoned; and the loss of that able minister quickly appeared in the rash and precipitate conduct of the King, who dissolved the Parliament, in great wrath, after a very short session, before the business of a supply was entered upon, on account of the apparent disposition of the House of Commons to restrain certain abuses of the prerogative. After which he continued to govern for some years without Parliaments; when being reduced, by his imprudent prodigality, to extreme distress,

he was constrained to call one, *A. D.* 1621. And though a tolerable good understanding seemed, for a time, to prevail between the King and the Commons, some grievances being redressed on the one part, and some subsidies voted on the other, a violent rupture soon ensued, in consequence of a remonstrance which the House had the boldness to present to the King, respecting the business of the Palatinate, and the negotiation now carrying on for the marriage of the Prince of Wales with the Spanish Infanta. The King's pusillanimity, with regard to the first, had not excited less anger and resentment at home, than derision and contempt abroad: and the puritanical spirit was now so universally diffused, that the latter was viewed by the whole nation with horror and detestation. The indignation of James, at this unexpected and unwelcome interference, knew no bounds. He reprimanded the House, with great vehemence and acrimony, for presuming to debate of things so far above their reach and capacity. He absolutely forbade them from meddling with these deep matters of state; contemptuously applying to them the vulgar proverb "*Ne futor ultra crepidam.*" He condescended, however, to assure them, that though their privileges were derived from the grace and permission of the sovereign, yet as long as they contained themselves within the limits

limits of their duty, he should maintain them inviolate. The Commons, thrown, as might be expected, into a flame by this treatment, immediately voted, that the liberties, franchises, privileges, and immunities of Parliament, are the ancient and undoubted birthright and inheritance of the subjects of England. The King, on receiving this information, sent for the journals of the Commons, and, with his own hand, tore out this resolution of the House: and not chusing to venture another meeting after this outrage, he immediately dissolved the Parliament—after which several of the most popular members were committed to prison, and a proclamation was issued, absolutely prohibiting all discourse concerning these extraordinary proceedings. Two years after this, however, the Spanish alliance being now abandoned, the King, pressed by his necessities, and influenced by Buckingham, who had a war with Spain in contemplation, once more issued a summons for a new Parliament. In his speech at the opening of the session, he so far descended from his former height of loftiness, and even from that dignified reserve which should always accompany the kingly character, as to state to the House his causes of complaint against the Spanish court, and to ask their advice respecting the disposal of his son in marriage—that identical point which

he had forbid the last Parliament, in the most peremptory manner, to presume to make the subject of their deliberations. He also voluntarily offered, that the money voted for the purpose of carrying on the proposed war against Spain should be paid to a committee of Parliament, and entrusted entirely to their direction and management; a most imprudent concession, and even contrary to the first principles of the English constitution. He had now sufficiently shewn his weakness and timidity; he had demonstrated himself to be "infirm of purpose," and it required but little sagacity to see the great augmentation of authority and influence which must accrue to Parliament from such conduct: and no man of common discernment could imagine that the Commons would be induced to relinquish the decisive advantage they had gained, by a recurrence to that haughty and contemptuous mode of treatment over which they had so recently triumphed. In this state of things the King died, and the sceptre devolved to his son Charles; but the history of this reign is too copious and interesting to enter upon. Suffice it to say, what the slightest knowledge of the memorable events of it will evince, that the arbitrary maxims and speculations of the father were by the son, fatally for himself, reduced to practice, and pervaded every department of the govern-

government. Mr. Hume himself is compelled to acknowledge, that, in numerous instances, the laws of the land were openly and notoriously violated. "Liberty was totally subverted; and an arbitrary and despotic authority exercised over the kingdom." It is, indeed, impossible not to be shocked at the recital of those facts which this historian has himself given us in illustration of this remark. Upon what grounds, then, can this able and eloquent apologist undertake to extenuate the enormity of such a conduct? The truth is, his eager desire of apologizing for the misconduct of the Princes of the House of Stuart has, unfortunately, made him take such indefatigable pains to cast a shade over the character of Elizabeth, and to brighten the dark *traits* of the succeeding reigns, that when he attempts to trace the connection of events, and to account for the uninterrupted harmony and felicity subsisting under the administration of the one, and the perpetual discord and universal odium attached to that of the others, he has precluded himself from displaying, in their proper colours, those causes which had the principal influence in producing the fatal effects which ensued. The severities of the Queen's reign were regarded by the public as proceeding from a strong and real political necessity. Or, at most, if the Queen was chargeable with some abuses of pre-

rogative, she had the sense and prudence to avoid all positive violations of established privileges; and as the great body of the people were never alarmed with the apprehension of designs inimical to the public happiness, the whispers of individuals were lost amidst the loud acclamations attending her prosperous and popular administration. But with respect to Charles, the whole tenor of his conduct evinced, that the great spring of all his actions was an eager and intemperate desire to emancipate himself from every species of controul: and he ventured to pursue his dangerous projects even while labouring under an universal odium, and at a time when the weak and arbitrary conduct of his father had occasioned the principles of government to be more canvassed, and much better understood, and all ranks of people were making daily accessions of power and consequence, as well as knowledge; and actually went far greater lengths in opposition to the established laws than Elizabeth, or even than Henry VIII. himself had ever done, in the most elevated state of his authority. Surely, then, we may cease to wonder at the tragical events which succeeded. However, in justice to this monarch, it must be acknowledged, that he had, previous to the commencement of the civil war, made every concession that could reason-

reasonably be desired. Nay, it may be justly affirmed, that in giving his assent to the perpetuity act, he not only annihilated his own power but subverted the constitution; and, from that fatal æra, the House of Commons demonstrated, by almost every measure they adopted, that they had an interest of their own, separate from, and very often contrary to the general interests of the people.

3dly, There is yet another point of view in which Elizabeth may with great advantage be set in competition with her immediate successors; and that is her personal character and disposition. Her extreme affability and gracious deportment, which she never suffered to degenerate, like her successor James, to a low and gross familiarity, were highly acceptable to the people; and no doubt formed one great source of her unbounded popularity. It is remarkable that Charles II. "that monster of a King," as Pope stiles him, is still regarded in a very favourable light by the generality of people, from the strong impression which his fascinating manners, the charms of his address and conversation originally made on the minds of the public. The total want of dignity and decorum in James, and the frozen formality and more than Spanish stateliness of Charles, occasioned extreme disgust, and exposed them to real inconvenience: but if we contemplate the generosity and magnanimity of Elizabeth, the

superiority of her character will be still more apparent. To mention a few instances: in the reign of her sister Mary she had been committed to the custody of Sir Henry Bedingfield, who treated her with extreme harshness and severity; but the only revenge taken by the Queen, after her accession to the crown, was to give him, in her usual discourse, the appellation of her gaoler; emulating, in this instance, the noble pride of Louis XII. who, on a similar occasion, thought it beneath the dignity of a King of France to revenge the quarrels of a Duke of Orleans. Notwithstanding the regret with which the English nation saw Calais fall into the hands of the French, the Queen positively refused to listen to the insidious overtures of the French court, who offered immediate restitution if she would recall her troops, and desist from all farther interference in the affairs of Scotland. Without hesitation she firmly replied, that she would not sacrifice the interests of her kingdom for the sake of a paltry fishing town.

Though it must be acknowledged that she was by no means exempt from the foibles of her sex, as the curious anecdotes preserved by Melville and other writers fully evince; and though among her courtiers there were some whom she distinguished with peculiar marks of her favor, yet the disgraceful recal of Leicester from the Netherlands,
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and the fatal catastrophe of Essex, plainly prove how much the Queen predominated over the woman. But the blind partiality of her successors, James and Charles, for their minions Somerset and Buckingham, was as pernicious as it was ridiculous. When offered, nay, solicited to accept the sovereignty of the United Provinces, she had the greatness of mind to reject the proposal, satisfied with the glory of being their protectress and friend. The treaty of marriage with the Duke of Anjou gave occasion to a most manly and spirited letter to the Queen from Sir Philip Sydney, stating in very strong terms the insuperable objections to that alliance, which, even in our times, would be thought a very uncommon liberty. But this she took in good part, and the negotiation was soon after entirely broken off. It is still more worthy of remark that, during the time this treaty was depending, the Queen being one day in her barge on the Thames, with Simier the French agent, and others of her court, a shot was fired by a man standing on the opposite shore, which passed very near the Queen and wounded one of the bargemen. After a strict examination, no proof of treasonable intention appearing, the Queen ordered him to be set at liberty; declaring that she never would give credit to an accusation against any one of her subjects which a mother would not believe of

of her own children. What resolution and spirit did she not exhibit when the whole nation was in alarm at the prospect of a Spanish invasion! With all the heroism of a Boadicea she put herself at the head of her army, professing her firm purpose to lead them herself into the field, and rather to perish in battle than survive the ruin and slavery of her people. "Let tyrants fear," said she; "I have always so behaved myself that, under God, I have placed my chiefest strength and safeguard in the loyal hearts and good-will of my subjects. I know I am but a weak and feeble woman, but I have the heart of a King, and of a King of England too; and think foul scorn that Parma or Spain, or any Prince in Europe, should dare to invade the borders of my realms."

Upon the discovery of that conspiracy, in which the Queen of Scots was so deeply concerned, and for which she justly paid the forfeit of her life, many letters from different English noblemen were found in her cabinet, containing strong professions of their attachment to that princess. Of these the Queen would take no notice, and by this generous policy converted many of her secret enemies into real friends. Lord Chancellor Bacon relates that, certain instructions being transmitted to the English Resident at Paris, the Secretary of State had inserted a clause that the ambassador, in order to ingratiate himself with
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the Queen mother, the famous Catherine of Medicis, should take occasion to say, that these two Princesses, the Queens of England and France, for experience and skill in the arts of government, were equal to the greatest monarchs. But Elizabeth, indignant at this comparison, immediately ordered the direction to be erased, saying, "that she had used quite different arts and methods of government."

The liberty which Shakespeare ventured to take with the character of Henry VIII. in the lifetime of his daughter, may be cited as a striking proof of the mild and moderate, or rather the magnanimous spirit of her government. Against the representation of such an historic drama, in modern times, the *veto* of the Lord Chamberlain would, in similar circumstances, doubtless be affixed. To add no more, she gave a signal instance how much she rose superior to the fears and jealousies incident to weak minds, in the proposal she made to the States of Scotland, to educate the young King, at her own cost, and at her own court, no doubt as presumptive heir to the crown. A remarkable contrast to the conduct of Queen Anne, who, in a resembling situation, could never endure the idea of seeing her successor, whose residence in England would, as she declared, keep the image of her coffin perpetually before her eyes.

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It would be an endless and invidious task to adduce particular instances of the folly, weakness, and pride of the Scottish line of monarchs. The House of Stuart were utter strangers to that "inborn royalty of mind," which cast so great a splendor over the character of their illustrious predecessor. Charles I. at his trial and execution, exhibited, indeed, remarkable proofs of firmness and calm resignation: so did the unfortunate Mary at Fotheringay Castle: so did his descendant, James, at the Abbey of La Trappe. And this passive fortitude, the manifold difficulties and distresses in which that infatuated family have been involved, have given them frequent opportunities of demonstrating that they are by no means destitute of.

There are two observations yet necessary to render complete justice to the character of Elizabeth. The first is, that there appears no real foundation for the charge of avarice, so often urged by the enemies of this Princess, and so injurious to her reputation. To this charge it may be replied, that in the reign of Elizabeth, the revenues of the crown were extremely circumscribed, and Parliament was not then in the habit of giving away millions in a breath. Her œconomy was the pillar which supported her authority and independency. Nevertheless it is allowed, that she lived in a stile of great magnificence,

ficence, such as the wretched appearance of the British Court, in our own times, cannot excite the faintest idea of. She cleared the crown in a few years of the heavy debts contracted by her father, brother, and sister. She remitted great sums, at different times, to Scotland, to Holland, and to France. The debt due from Holland alone amounted, at her death, to no less than £.800,000, for which she generously agreed to take no interest. The money advanced to Henry IV. she could never recover, being lent without adequate security: though that monarch, in a few years after the peace of Vervins, had amassed a great treasure, and the Queen represented, in the strongest terms, the necessity to which she was reduced by her long wars with Spain, and the Irish rebellion. She even went so far as actually to refuse subsidies when she had not immediate occasion for the money. These are facts which will admit of no dispute, and may be set in opposition to a thousand trifling stories of her too close attention to certain minute articles of expence. That a selfish or avaricious disposition should be capable of such acts of generosity, is a moral impossibility.

The second observation is, that the Queen does not appear by any means so culpable in the affair of Davidson as she is generally represented. It would require a pamphlet instead of a paragraph,

graph, to enter into a full discussion of this question : and it must suffice to say, that Davidson seems much more the dupe of Burleigh than of Elizabeth. It is on a comparison of circumstances evident, that the Secretary, at the suggestion of that nobleman, dispatched the warrant for the execution of the unfortunate Mary, without the previous knowledge of the Queen, who could not be brought to a final determination upon the matter.

That her astonishment, anger, and indignation were real, not assumed, appears from several circumstances. When the fatal intelligence was communicated, her countenance, Camden tells us, changed ; her speech faltered ; and she stood fixed for some minutes like a statue, till at length her passion vented itself in a violent burst of tears. If this was dissimulation, it must be confessed she had made a wonderful proficiency in that science indeed. Again, it is not pretended that the Queen's disposition led her to unnecessary acts of injustice and cruelty. Yet Davidson was not only punished with great severity at the time, but he could never recover, in the smallest degree, any share of the Queen's favor and regard, when it could no longer answer any end to keep up the political farce. Even Burleigh himself, Davidson's principal adviser on this occasion, received such convincing proofs of the
reality

reality of the Queen's resentment, that he gave himself up for lost, and in great consternation begged permission to resign his employments and retire to his estate in the country.

This plainly proves that Burleigh's advice to Davidson was given, not with any expectation of making his court to the Queen, to whose sentiments he cannot be supposed a stranger; but with a view to his own interest and security, which were, in this instance, closely connected with that of the public, and of which he never could be perfectly assured as long as the Queen of Scots was in being. We have also the Queen's own solemn asseveration and appeal to God, in her letter to King James on the occasion, that this transaction passed without her knowledge or intention. She could never surely, she affirms, be esteemed so base and poor-spirited, as that if she had really given orders for this fatal execution, she could, on any consideration, be induced to deny them. Though sensible of the justice of the sentence, she had determined, from motives of clemency, not to carry it into effect, and could not but highly resent the temerity of those who had disappointed her merciful intentions. Upon the whole, it appears that the ministers of Elizabeth, Burleigh, Walsingham, and Leicester, to whom the death of the Queen of Scots was "a consummation devoutly to be wished," not being
able

able to bring Elizabeth to a firm and settled resolution on that point, ventured to encourage Davidson to send off the warrant for execution without her knowledge: hoping, perhaps, that she would not in her heart be much displeased with their presumption, or, at the worst, in consequence of the snare laid for the unfortunate Secretary, it was foreseen, that the chief weight of the Queen's resentment would fall upon him: and they depended upon their own address and the degree of royal favor they enjoyed, to screen them from any violent or lasting effects of the Queen's displeasure. If it can be supposed that the Queen herself was a party in this plot against Davidson, it must be allowed, that her conduct, in this instance, was in the highest degree disgraceful, barbarous, and unjust. But so far as a judgment of her disposition can be formed, from existing documents, she was not capable of such a degree of depravity and deceit; nor is there any sufficient ground for charging her with sullying, by an action of such complicated baseness, that illustrious character, to which the world has so long offered its voluntary tribute of applause and admiration.

ESSAY XIX.

ON HEREDITARY SUCCESSION.

AT the first view, the idea of Hereditary Succession appears so whimsical and even absurd, that one is tempted to wonder how it could have so generally obtained in almost all civilized countries. For in the choice of persons destined to hold the highest rank in civil communities, is it not contrary to every principle of reason, to lay a greater stress upon the single and accidental circumstance of birth, than upon those moral and intellectual qualities which have an immediate tendency to secure the great ends of government, the peace, happiness and prosperity of the community?

The current of opinion, nevertheless, has long since decided, that hereditary succession is attended by advantages which, upon the whole, far over-balance the inconveniences to which it is liable; and we are assured, that a power of electing the supreme magistrate, in whatever hands it might be lodged, must, in all probability, be productive of so dangerous a degree of political disorder and animosity, that the possession of

such a privilege would be a great and real misfortune.

But allowing this to be true, there is another question of importance to resolve, which is, 2dly, Whether the order of succession, established in this monarchy, be that which is most likely to ensure the public peace and tranquillity? It is well known how strong was the attachment of the French nation to their famous Salique Law, which, though the accidental occasion of great calamities to that kingdom, appears founded on the soundest principles of legislative policy. And it may be remarked, that the bloody wars caused by the claim so unwarrantably advanced by Edward III. to the crown of France, and so unjustly countenanced and supported by the Parliament and people of England, had scarcely subsided, when the flames of civil discord were kindled in this country, and spread with wonderful rapidity, in consequence of the absurd prejudices originating in this source. Nor were they finally extinguished till the last male descendant of the numerous family of Edward III. had fallen a victim to the contest, and the house and name of Plantagenet were for ever annihilated.

The heroic Prince of Wales, known by the designation of the Black Prince, died some years previous to his father, and left an only son, afterwards Richard II. who inherited^s neither the virtues

ties nor talents of his famous progenitors. By a series of odious and arbitrary acts, he so far excited the indignation and resentment of the nation, that when Henry Duke of Lancaster, afterwards King Henry IV. returned from exile, to claim his paternal inheritance which had been wrested from him by regal violence, Richard found himself suddenly deserted by all descriptions of persons, who crowded, as it were in emulation of each other, to the standard of his adversary. In consequence of which he was soon reduced to the fatal necessity of consenting to his own deposition; and in a full and free Parliament, the crown was unanimously conferred upon the Duke of Lancaster, as a reward due to his patriotism and valour. And it was quietly transmitted to his son, the victorious Henry V. at whose death it was placed, without opposition, upon the head of his infant heir, Henry VI. who peaceably enjoyed it more than thirty years. Might it not then reasonably be imagined, that an uninterrupted possession of half a century would have sufficed to have given firmness and stability to a title, originally founded on parliamentary authority, and confirmed by the universal and joyful acquiescence of the nation? On the contrary, however, the title of the reigning family was, in fact, supposed to be so palpably defective, that a growing dissatisfaction seems to have per-

vaded the minds of all ranks of persons: and when Richard Duke of York openly avowed his resolution, "to pluck the crown from feeble Henry's head," he found the nation very generally disposed to favor and support his pretensions. During the long contests which succeeded, the affections of the nation appeared invariably attached to the House of York, which gained, and for three successive reigns maintained possession of the crown. Nothing less than the complicated guilt of Richard III. could, indeed, have paved the way for the restoration of the House of Lancaster; and it is even probable, that Henry VII. though a Prince of great abilities, could not long have retained possession, but by a union, or rather extinction of the opposite claims, in consequence of his marriage with Elizabeth, eldest daughter of Edward IV. and undoubted heiress of the House of York.

There had been no example of a female reign in England since the dissolution of the Heptarchy; and though Henry II. succeeded, in right of his mother, the Empress Matilda, it was not till the male branches of the Norman line were totally extinct. The attachment of the nation, therefore, to this order of succession, cannot easily be traced to any other, or higher source, than the absurd predilection entertained in favor of the title of the English monarchs to the crown of France.

France. And the inconsistency was indeed very gross, in claiming that crown, by virtue of a descent from the female line, whilst the crown of England was held by the Princes of the House of Lancaster, to the exclusion of the female line: and so far as they relied upon the right of primogeniture, their claim was precisely of the same nature with that of the House of Valois in France. For Henry IV. was the immediate descendant of John of Ghent, third son of Edward III. while the House of York founded their pretensions on a descent from Lionel Duke of Clarence, second son of that monarch, whose only daughter Philippa intermarried with Edmund Mortimer Earl of March; and by the union of the heiress of the House of March with the heir of Edmund Duke of York, fourth son of Edward III. the right of succession, which was supposed to inhere in the descendants of the Duke of Clarence, was transmitted to the House of York, the youngest male branch of the House of Plantagenet. The title of the House of March had, in the reign of Richard II. been expressly recognized in Parliament, and it is remarkable, that Henry IV. never attempted to invalidate this popular claim by any formal act of repeal or renunciation. That jealous and politic Prince well knew how dangerous it might prove, by such means, to fix the attention of the public upon a subject so injurious to his

interests to discuss. He adopted, therefore, another, and far more sagacious mode of proceeding—by obtaining a parliamentary settlement of the crown on himself and his heirs male: thus virtually establishing the Salique Law in England, in a mode least obnoxious to the public censure, and which bade fairest eventually to extinguish the claims of the rival family. But this wise measure did not prove successful, for the Parliament, which enacted this important law, soon found the necessity of accommodating their own ideas to the unconquerable force of popular prejudice, and of repealing an act which laid the best foundation of a solid and permanent settlement.

In the succeeding reign, the pretensions of Edward III. relinquished at the peace of Breigny, were revived, and Henry V. by an extraordinary concurrence of favorable circumstances, united to his own great talents had nearly effected the final conquest of the French monarchy. But his death unexpectedly taking place in the midst of his triumphs, the fortune of the war was fatally reversed, and the English were at length dispossessed of all their transmarine dominions, Calais alone excepted. Soon after the termination of this second violent and iniquitous attempt, in opposition to the rights of the House of Valois, that fierce and implacable contest between
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the two rival Houses of York and Lancaster commenced, which did not cease till the Earl of Warwick, last of the name of Plantagenet, had fallen a victim to the jealous and cruel policy of Henry VII. and, in consequence of the final union of claims in the person of Henry VIII. there no longer subsisted any ground of competition. Since the accession of that monarch, three centuries have nearly elapsed, and that no sensible inconvenience has, during that long period, arisen from an adherence to the established order of succession, is not ascribable to the wisdom of the law of succession, a very slight survey of modern English history will suffice to prove.

Previous to the divorce of Henry VIII from Catherine of Arragon, the princess Mary, afterwards Queen, was the undisputed presumptive heiress of the English crown, in consequence of which the disposal of her in marriage became a matter of the utmost importance to the nation. Overtures on this subject were, at different times, made both by France and Spain, which were happily rejected; and though on her accession to the throne the liberties of the kingdom were exposed to the most imminent danger, by the matrimonial connection she then formed with Philip II. as she fortunately died in a few years without issue, the evils which threatened the nation were for this time averted. The reign of

Elizabeth was distinguished by an almost incessant solicitude in the Parliament and people with regard to this subject; a solicitude which displayed itself in applications to the Queen, continually repeated, to form such a matrimonial union as would most effectually secure the public happiness. And though the Queen firmly and magnanimously resisted these solicitations, with a view no doubt, in the first place, to maintain her own authority and independency entire; and in the next, eventually to effect an union of the two British crowns, which was apparently a favorite, if not a primary object with that great Princess, yet, in some critical moments of her life, reasons of state seemed to influence her conduct less than motives of a very different nature: and more particularly in the encouragement given to the suit of the Duke of Anjou; whose subsequent conduct too plainly evinced the risque which must have been incurred had he met with ultimate success. To pass over some of the succeeding reigns, it is obvious to remark that if King Charles II. contrary to the general expectation, had not interfered as to the disposal of the two daughters of the Duke of York, the most fatal consequences might have ensued. Even posterior to the Act of Settlement it is worthy of observation, that had our late venerable monarch died before marriage, the crown of England would

would have devolved upon Sophia Dorothea Queen of Prussia, mother of the illustrious Frederic. And how the English nation would have relished such a plan of government as those great political reformers, the Prussian Hussars, might have established amongst us by this time, it is scarcely worth while to examine.

From this slight review of facts we may infer, that it is a most dangerous error in politics for a country, which like England boasts of a constitution founded upon the basis of liberty, to admit the right of females to succeed to the crown. It is a matter of small moment indeed to the inhabitants of Spain or Portugal, whether the sceptre remains in the House of Bourbon or Braganza, or whether it is suffered to pass into another and a foreign family. As political happiness amongst them depends almost entirely upon the personal disposition and genius of the monarch, they seem to stand a nearly equal chance of attaining it, whatever family may happen to acquire possession of the throne. But in this kingdom, whose maxims of policy differ from all others, it is of the utmost importance that the claims of the reigning family should rest entirely upon parliamentary authority. The antient Royal House of Stuart was deposed and banished, and a very considerable number of Princes, who stood prior in the order of succession,

sion, were excluded in order to clear the path to the throne for them. And they have been in consequence compelled repeatedly and formally to acknowledge the inherent sovereignty of the people. It would be a dangerous experiment, therefore, to permit the crown to be transferred to another family deeply tainted with foreign prejudices and principles of government. Nor is the probability of such an event so distant or ideal as may be generally imagined, considering the great increase of the Royal Family since the accession of the present monarch. For were the marriage of the Prince of Wales to take place, and daughters only to arise from such marriage, according to the existing law of succession, the eldest daughter of his Highness, in whatever part of the world she might be settled, or to what prince or private subject soever she might be united, without an express act of exclusion, would become Queen of England.*

It is easy to imagine a variety of similar cases, by which the imperial crown of these realms might be transmitted from family to family, as private estates are seen to do every day, under

* Since this Essay was written, the event of which the public were thus fore-warned has taken place, and the daughter of the Prince of Wales is at the present moment presumptive heiress to the British crown, with a strong probability of eventually succeeding to the throne.

the operation of the same general law of inheritance. In order to establish a lasting remedy for this great political defect in our Constitution, nothing would be so effectual as a revival of the wise and salutary Act of Henry IV. a new Act of Settlement, limiting the succession of the crowns of Great Britain and Ireland to the heirs male of his Majesty now reigning; and this must be deemed a juncture peculiarly favorable to such limitation, as it is not in any degree probable that the Princesses of the Royal House now living can receive any the remotest degree of injury from it.

To this proposition it may be objected, 1st, That as the monarchy has subsisted so long, and flourished so greatly under the present form, it would be rash and unadvisable to make important innovations upon speculative considerations. At least, as there is no immediate prospect of danger, there can be no immediate necessity for alteration.

In answer to this argument, it is enough that we know the long and bloody contests between the two great rival Houses of York and Lancaster originated from this source. We know that since the termination of those fatal divisions, we have at various times, and in divers instances, been exposed to the most imminent danger, by an absurd attachment to the same antiquated and impolitic maxim. We know that by an obstinate

stinate adherence to it, the crown may, in the space of a very few years, be transferred from the present Royal Family, into the possession of a prince who may be an utter stranger to our laws, language, and constitution, and to whom the native Princes of the land would be objects of perpetual jealousy and aversion. And allowing the danger not to be immediate, wherefore are we to wait till it becomes imminent and urgent before we attempt to apply the remedy? In political, as in private life, the feelings cannot be set in opposition to the understanding, without experiencing a very sensible inconvenience. If, according to the dilatory maxims of these cautious politicians, we were to abstain from applying a remedy till the danger became near and pressing, and a bill of exclusion, or some measure equally violent, were then to be proposed, it is evident, that the feelings of the people would be powerfully interested in favor of the particular individual, against whom that specific measure should be directed. And it would certainly be regarded as a species of personal injustice, to which the most important considerations relative to the public welfare would scarcely be thought to give a sufficient sanction.

2dly, It may possibly be objected by some, that the perpetuation of the royal dignity in the same family, must have a tendency to impress
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Upon the minds of the people a superstitious awe and reverence for the person of the monarch; and ultimately to revive and foster the long exploded notions of indefeasible right, passive obedience, non-resistance, and that long train of absurdities which seems naturally to flow from the idea, so readily embraced by the vulgar, that the person of the Chief Magistrate is, in some peculiar sense, sacred and inviolable. But however disposed to respect an objection, arising from a jealous attachment to the principles of liberty, this apprehension seems so far-fetched and fanciful, that it can scarcely be deemed entitled to a serious answer. Would the objector really be willing to incur all the inconveniences, so obviously resulting from a transfer of the crown to a new and foreign family, for the possible advantage of fortifying the minds of the people against absurd and obsolete prejudices? If so, he is a bad speculatist indeed! Fortunately, the present race of Princes must necessarily found their authority upon the basis of civil and religious liberty: and as long as the memory of the Revolution is preserved, so long must it be felt and acknowledged, that the genius of our Constitution is irreconcilably at variance with the spirit of despotism. If, therefore, an uninterrupted succession of Princes of the Brunswick line were to fill the British throne for centuries to come,

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the doctrine of an indefeasible hereditary right could receive not the faintest countenance from it. Public utility would sufficiently account for the establishment of the general law, and where mankind are allowed perfect freedom of investigation, it is impossible that any well founded rational sentiment, universally received, can ever be superseded by an opinion at once false, absurd, and ridiculous.

ESSAY XX.

ON THE GOVERNMENT OF INDIA.

“**L**ES hommes & les affaires ont leur point de perspective,” says the Duc de la Rochefoucault: and he who surveys from this point the interesting scenes of public life, is as a man standing at a due distance from a magnificent edifice, who views it to far greater advantage than the workmen placed on the scaffolding. “Il y a dans tous les états,” says the late King of Prussia, “un nombre de citoyens gens sensés qui loin du tumulte des affaires, les envisagent sans passion, & en jugent par-là même sagement tandis que ceux qui tiennent en main le gouvernement, ne voient les objets qu’avec des yeux fascinés.” The candid and generous acknowledgement of this great monarch may, therefore, serve as an apology for the general remarks now about to be offered on the two celebrated Bills for the better Government of India; the first of which was presented by Mr. Fox, then Secretary of State, to the House of Commons, November, 1783, and the latter, which eventually passed
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into a law, by Mr. Pitt, early in the year 1784. The universal clamor and national alarm excited by the Bill introduced by Mr. Fox, are yet recent in our memories : and so violently inflamed were the passions of men in general, throughout the whole kingdom, on that memorable occasion, that the Bill, whatever might be its demerits, was certainly condemned by the multitude, with very little attention to the dictates of equity or justice. It must however, be acknowledged, that a great majority of that class of men distinguished by the King of Prussia by the appellation of "*les gens sensés*," and who were in general very far from being inimical to Mr. Fox, regarded this famous Bill as a measure highly unconstitutional in its nature, violent in its operation, and dangerous in its tendency. By a concise analysis of the leading principles of this Bill, it will be easy to discover on what appearances of reason and truth this judgment was founded.

It is well known that the finances of the East India Company were, at the conclusion of the war, terminated by the Treaty of Paris in 1783, in a state of great confusion and embarrassment. As the territorial acquisitions of the Company, however, comprized some of the richest and most extensive provinces of Hindostan, yielding an annual revenue of several millions sterling, it were evident injustice and absurdity to consider

der them merely in the light of mercantile adventurers. They were not only traders to India, but princes of India. The long and dangerous wars in which they had been successively involved had, indeed, exhausted their treasures, and reduced them to a state of temporary distress. But with that indulgence which they had in such circumstances a right to expect, and which had been, on former occasions, granted, there was no reasonable ground to doubt, but that they would, eventually, be able honorably to fulfil their engagements with the government at home; and that their resources were, upon the whole, fully adequate to the discharge of that heavy load of debts and incumbrances which they had unavoidably contracted; and which, if we consider the great and successful exertions made by the Company, it must be allowed, bore no proportion to the enormous expenditure of Great Britain during the same period. The Company, nevertheless, in consequence of their inability to make good their payments into the Exchequer at the regular and stated times, were represented as in a state of actual bankruptcy; and, agreeably to this idea, Mr. Fox presented to the House of Commons a Bill suspending the Charter of the Company for four years, vesting in the hands of seven commissioners all the powers, privileges, and property, both real and personal,

belonging to the Company—Urging, as a farther justification of this violent procedure, the political enormities perpetrated by the servants of the Company in the conquered provinces of India; and alleging, that these intolerable oppressions, whether they had received the sanction of the Company or not, plainly demonstrated them to be unequal to the arduous task of governing those vast and remote possessions.

There were two very different points of view in which this measure could not fail to be considered; and in each it appeared calculated to excite the highest alarm. To deprive the first commercial Company in Europe not only of its political powers, but of its commercial rights; not only to reduce them from the rank of princes to their original capacity of merchants, but virtually to impute to them an utter inability to understand, or to conduct even their own commercial interests—interests which, before their ill-starred ambition led them to aspire to the conquest of kingdoms, had been prosecuted with such unparalleled industry and success; this, certainly, could not fail to excite universal astonishment. Mr. Fox's Bill was regarded not so much in the light of a commission of bankruptcy, as of lunacy. There appeared somewhere an absolute want of common sense. If the Directors of the East India Company, considered as merchants,

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were really incompetent to manage their own mercantile transactions, they must certainly be deemed persons devoid of natural understanding. If, on the other hand, no deficiency of this nature was pretended, in what light could the proceedings of the House of Commons be regarded, in transferring the management of the affairs of a company of merchants to a committee of guardians and trustees? This, in itself, perhaps, was only ridiculous; but as the breach of a public and solemn engagement, as the unprovoked violation of a CHARTER, it excited just and general alarm. And the discontent of the public was wrought up to the highest pitch of indignation, when they reflected that the seven Commissioners, upon whom the entire political authority and commercial patronage of the Company devolved, were zealous partizans of the existing administration; that this Commission for the Government of India, as to its duration, was to be rendered wholly independent of the authority of the Supreme Executive Magistrate; that it therefore might, and unquestionably would, be converted into a mere engine of state; that the Commission would, in all probability, be renewed from time to time, till the renewal became a mere matter of form; that the power and patronage necessarily connected with it were so prodigious, that a minister who could confide in its support, might, with some propriety, address his sovereign in the lan-

guage of Stephano in the Tempest, "You shall be the King of the Island, and I will be Viceroy over you." It appeared to be a palpable violation of one of the most essential principles of the English Constitution—the indivisibility of the executive power. And if a parliamentary Commission for the Government of the East Indies were once established, why not another commission for the Government of the West Indies? of America? of Ireland? Scotland? or England itself? till at length the King of Great Britain would sink into the contemptible and ridiculous situation of a King of the Mahrattas. It is far from being a necessary consequence, however, of these positions, that Mr. Fox, of whose political rectitude, as well as talents the public have received the most striking proofs, is chargeable with the guilt of deliberately projecting a plan to subvert the constitution, in order to elevate his own power and authority upon the ruins of it. No one is ignorant how ingenious and successful the human mind is in imposing upon itself: and candor requires us to believe, that Mr. Fox imagined this celebrated Bill, which, as it regarded India, had, indeed, a just claim to the highest praise, to be not only proper, but indispensably necessary at the crisis in which it was brought forward. He viewed it, doubtless, "*avec des yeux fascinés*." The public, however, had nothing to do with
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the rectitude of Mr. Fox's intentions: and when the real tendency of the Bill, as it regarded England, was perceived, the unanimous opposition which it had to encounter was, in fact, only the more honorable to the nation, because it had the sanction of a minister whose political principles and splendid talents were the subject of universal applause and admiration.

The fall of the Bill was succeeded by the fall of the minister, and a new Bill for the Government of India was immediately introduced by his successor, Mr. Pitt, upon principles very different; and, upon the whole, much less exceptionable than the former; though by no means such as could be pronounced free from even palpable imperfection. This, however, may doubtless, with far greater probability, be ascribed to the extreme difficulty of devising a more acceptable or eligible plan, in the critical and embarrassing circumstances in which the minister was placed, than to such a deficiency of discernment, or excess of partiality, as concealed from his view the manifold defects of his own system. A radical reform in the Government of India was, on both sides, allowed to be absolutely necessary. The absurdity of permitting a company of merchants to exercise an independent sovereignty over those extensive and distant regions, became more and more evident: and the mischiefs result-

ing from the establishment of this "*Imperium in Imperio*" were sensibly felt, and universally acknowledged. The power and patronage of this formidable body, which was itself in a state of perpetual fluctuation, and composed of men promiscuously associated, of various descriptions, and of very different political connections, were never, indeed, systematically employed in opposing the authority or in counteracting the designs of the supreme executive power of the state. But the state not possessing, or not exercising any right of superintendence or controul over these royal merchants, they frequently acted in a manner very inconsistent with the general interests of the empire. And, in numerous and striking instances, the civil and sacred institutions of the provinces under their dominion, established by the prescription of ages, were openly violated, and their tranquillity and prosperity, without the least scruple, sacrificed to the ambition, the avarice, or, at best, the ignorance and presumption of the local agents of the Company; who, in the capacity of governors, exercised with impunity the most intolerable species of despotism—the wretched natives, the victims of their tyrannic caprice, being precisely placed in the deplorable situation described by the Roman historian, "*Subiectos tanquam suos, viles ut alienos.*"

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By transferring this sovereignty, according to the plan of Mr. Fox, from the Company to a permanent Committee of parliamentary appointment, a system far more favorable to the happiness of India would, in all probability, have been established: but that political monster, the "Imperium in Imperio," the fourth estate, as it was by some emphatically styled, would not only have continued to exist, but would have acquired a prodigious accession of force and vigor. For as the whole power and patronage of the Company were, by this plan, to have centered in a permanent body, composed of a very small number of persons selected from, and attached to a particular and powerful political party, who can hesitate to believe, that their utmost influence would immediately have been exerted to support the credit and authority of that party? And who is so ignorant of human nature, and of human life, as to imagine that the acts even of the legislative assemblies would not have been, in a very sensible and dangerous manner, biassed by means of this influence, and the constitutional authority of the executive magistrate in the same degree weakened and impaired? Of this the nation was fully sensible; and against this evil Mr. Pitt was obliged carefully to guard. But at a time when the public apprehensions respecting the increase of the

influence of the crown had not subsided ; when various measures had been actually adopted in order to lessen the weight of that influence, which, according to the solemn declaration of the representatives of the people, " had increased, was increasing, and ought to be diminished," Mr. Pitt could not, with any degree of consistency or safety, bring forward a plan which should have for its avowed or apparent object the exaltation or re-vivification of it. The political authority, however, of which the Company was at all events to be divested, must, of course, be transferred somewhere ; and the grand difficulty consisted in discovering a medium between the two extremes, and in placing this power, by an extraordinary effort of political dexterity, in a position so curiously poised, that it should neither unseasonably add to the regal influence, nor unconstitutionally detract from the regal authority. Mr. Pitt encountered this embarrassment with trembling indecision. Leaving to the Company the general direction of their commercial concerns, and not venturing openly to invest the crown with that power of which he proposed to divest the Company, he established a Board of Commissioners, nominally independent of the crown, which was empowered to exercise the right of controul and superintendence respecting all matters relative to policy or revenue. The

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members of this Board, however, being appointed by the crown, and removeable at the pleasure of the crown, it is evident that the crown itself was, in effect, possessed of that authority which the Bill professed to transfer to the Board: in this respect forming a direct contrast to Mr. Fox's Bill, which, by a species of political mockery, made the Commissioners nominally responsible to the crown, but really independent of it in consequence of the permanency of their commission.

So obscurely and ambiguously, however, was the extent of the new parliamentary Commission defined by the act, that perpetual disputes and altercations arising between the two Boards of Direction and Controul, Mr. Pitt thought it necessary, in the session of 1788, to bring in his famous DECLARATORY BILL; which, under pretence of ascertaining the sense and meaning of the former act, enlarged the powers and extended the jurisdiction of the Board of Controul by a declaration so ample, as to leave the Company scarcely a shadow of authority remaining; and the Board of Controul, or rather the crown, may from that period be considered as really and truly invested with the undivided sovereignty of India. This remarkable declaration gave an unlimited scope to the most poignant animadversions on the duplicity and deceit of Mr. PITT; who thus

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trived, by insidious means, to possess himself of that power which Mr. Fox had, from motives of state policy fairly and expressly avowed, openly and forcibly resumed. It is possible, however, that Mr. Pitt meant originally no more than he professed; that he then deemed the power of restraint sufficient for the great purpose of reforming the abuses of the Indian system of government; and that he gradually became convinced, by experience, of the necessity of vesting an active and efficient authority in the Board. And certainly, the Declaratory Act, or something equivalent to it, was obviously wanting to constitute a regular or consistent plan. It was, therefore, in itself a real and very necessary improvement of the general political system. The mode of effecting this great and essential change may, indeed, be justly deemed highly exceptionable. And it is much to be regretted, that Mr. Pitt had not sufficient magnanimity originally to propose, or Parliament sufficient resolution to adopt a system in all respects open, explicit, and decisive. The principles of the constitution, and the sound dictates of wisdom and policy, appear to have required the establishment of a Supreme Council of India, avowedly acting under the immediate authority of the crown, to whom the entire direction of the political affairs of India should be consigned. The President of India
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would, upon this plan, openly act as minister for that department; and in order to establish an honorable as well as useful medium of intercourse with the East India Company, a certain proportion of the Members of the Council might be chosen from the Court of Directors for the time being. The unity of the executive power would, by this means, be completely restored; and by the exertion of the same energy throughout the whole extent of empire, the harmony and happiness of the whole would be most effectually established and secured. To this plan it will undoubtedly be objected, that it must increase, in a very dangerous and alarming degree, that influence of the crown, which has been, of late years, so much the subject of complaint and apprehension; and which, with much labour and difficulty, has been somewhat diminished indeed, though far from being as yet restrained within the proper limits. To this it may be answered, that there is a constitutional as well as unconstitutional influence of the crown; and whatever degree of influence is necessarily connected with the undivided exercise of the executive authority, is a species of influence truly constitutional. If the acquisition of even this constitutional addition of influence, however, be thought dangerous, as it reasonably may, are there not various modes of reducing the regal influ.

influence highly beneficial and laudable, without violating the unity of the executive power, and which would effectually serve to counter-balance this great accession of authority? Does not the reform of the parliamentary representation come within this description? Are there no superfluous and lucrative sinecures that might be safely curtailed or entirely abolished? Is it impossible to limit the number of placemen and pensioners in the House of Commons, or even, were it judged necessary, to exclude them altogether? Must we relinquish as hopeless the idea so much cherished by the patriots of former days, of effecting a reduction of the present formidable standing army? Is there no prospect of a gradual diminution of the public debt, which must, of course, be attended with a proportionable diminution of the regal influence? Surely there are constitutional methods, very easily discoverable, if by the wisdom of the legislature deemed expedient, by which the unconstitutional influence of the crown may be sufficiently reduced, without depriving the crown of any constitutional prerogative, for the purpose of establishing an unconstitutional influence in any other quarter. The fact is, that the crown, at the present moment, actually possesses the substance of the authority contended for. And the danger arises chiefly from its not being sufficiently known,

known, or openly acknowledged to be so. And if the plan now proposed, or any thing similar to it, be at any future period adopted, a most advantageous opportunity will present itself for requiring in return certain concessions from the crown highly favorable to liberty; which the artful and insidious, or to speak in softer terms, the gradual and imperceptible manner in which the crown has been invested with this authority has hitherto unfortunately precluded.

ESSAY XXI.

ON THE CONSTITUTIONAL ESTABLISHMENT
OF A REGENCY.

HAPPILY there are few questions of real importance and general concern which do not admit of being simplified ; or of being so concisely and clearly stated as to enable any man, not palpably deficient in knowledge or understanding, with a mind candid and unprejudiced, to form a true judgment concerning them. The interesting question respecting the Establishment of a Regency, during the incapacity of the reigning sovereign, which at a recent period engrossed the public attention, appears to be of this description. Divested of the pomp of declamation and the gorgeous glare of eloquence, and reduced to the level of plain truth and common sense, no question can be easier of solution.

In order to decide upon this subject with propriety, two considerations obviously present themselves to our notice and enquiry.

1st, Whether any positive law exists, or any precedents of sufficient authority can be adduced to determine what was the legal and constitutional

tional mode of proceeding in the late extraordinary circumstances? And if not,

2dly, What decision in this case must be pronounced most agreeable to the principles of the English government; the analogy of the constitution, and most likely to secure the public welfare and happiness.

It is universally admitted, that no law exists by which provision is made for preserving, unimpaired, the energy of the executive power during the total incapacity of the reigning sovereign. Recourse must therefore be had to precedents. But a very slight knowledge of English history will suffice to show, that there are no precedents to be found which can, or ought to be considered as of the least authority, or which were in any degree applicable to the late alarming crisis. The precedent most relied upon, occurs in the reign of Henry VI. who succeeded his father while yet in his infancy. No Regency having been previously appointed by legislative authority, the two Houses of Parliament took upon them to confirm the late King's verbal nomination of the Dukes of Bedford and Gloucester to the government of the realms of France and England; restraining, however, the authority of the latter, upon whom they conferred the title of Protector only, by such limitations as they deemed proper and expedient. But are the irregular

gular proceedings of a Parliament, convened almost four hundred years ago, in a dark and barbarous age, before the principles of civil government were understood, or those maxims of policy which are most essential to a free constitution were established, to be elevated to the rank of a constitutional precedent, and after the lapse of so many centuries, to be now, for the first time, regarded as possessing the authority and force of legal obligation?

The proceedings of that assembly may indeed be properly exhibited to our view, not as a precedent to be followed, but as an example to be deprecated and shunned. For, had the Duke of Bedford, the King's elder uncle, a prince of uncommon talents and unblemished integrity, been recognized regent of the realm, with full and undivided powers, in all human probability the fatal disasters of that unfortunate reign—disasters resulting from that daring spirit of faction and unprincipled ambition which the protector had not sufficient authority to repress—would have been effectually prevented: and those dreadful scenes of national anarchy and slaughter had never been exhibited, which ended in the downfall and ruin of the Royal House of Lancaster, and in the elevation of the House of York; though in consequence of the necessary and beneficial revolution, effected by Henry IV. and sanctioned by
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national authority, that monarch and his descendants possessed a title to the crown not inferior in validity to that of the House of Brunswick.

But the proceedings of the Convention in 1689, which declared the abdication of King James, and the consequent vacancy of the throne, and which placed the crown of these realms on the head of the Prince of Orange, were also urged for the purpose of demonstrating the proper and legal extent of parliamentary authority. If a convention can elect a King *a fortiori*, a parliament may elect a Regent. But this is mere sophistry. It is evident that no political system, or constitution, can ever make provision for cases which imply its previous subversion. The Revolution of 1688 furnishes, doubtless, the noblest of all precedents. It exhibits the glorious example of a brave and free people, rising up as one man to wrest the sceptre of government from the hands of a tyrant. At that period, the ends for which all just government was originally instituted, could only be secured by a violation of the regular and established forms of the constitution. Though the softer term *abdication* was adopted by way of indulgence to the unhappy prejudices then too prevalent, this pretended abdication was really and truly a deposition: and under colour of the legal maxim, "*Nemo est hæres viventis*," the claim of the heir apparent

was wisely and effectually barred, and the Prince and Princess of Orange were, in the name of all the people of England, declared King and Queen. Whoever attempts to justify these proceedings, by an appeal to the letter of the law and the forms of the constitution, will find himself miserably embarrassed. The political rectitude of these acts rests upon much higher grounds; upon the basis of the public happiness and of the common rights of human nature. The unrivalled excellence of the English constitution is a question which enters not into the dispute; and in the regular course of government, the wisdom of the maxims on which it is founded is strikingly apparent. But if the sacred and unalienable rights, which this constitution is intended to guard, be violated on the part of the monarch, a temporary violation of its forms becomes indispensably necessary on the part of the people, in order effectually to protect and ultimately to restore it. But how is this memorable precedent applicable to the late extraordinary situation of public affairs? Will any one pretend that it was necessary, in the case now under consideration, to violate the forms of the constitution in order to preserve its essence, and to re-establish it upon a more permanent basis? No; the object was merely to establish a constitutional precedent in a case which, happily for the nation, had
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not occurred for ages, but which certainly did not require or admit of any deviation from those wise and salutary political maxims which have long been justly regarded as the bulwarks of the English constitution. And this renders it proper,

2dly, To determine what mode of procedure in these circumstances was, in fact, most agreeable to the principles of the English government, to the analogy of the constitution, and most favorable to the public safety and happiness. The suspension of the executive power is a case unknown even in contemplation to our constitution; and for which no provision therefore is or can be made. An inter-regnum in this kingdom is a suspension of political existence. If, then, the supreme magistrate is by any means incapacitated from the discharge of the functions of royalty, a successor must immediately be substituted, or the whole machine of government is deranged and becomes absolutely motionless. This may either be done by regular or irregular means. At the Revolution the means were doubtless irregular, though, in that particular instance, indubitably necessary. We were lately called upon to supply the vacancy occasioned by the incapacity of the reigning sovereign by regular means. And, certainly, the only constitutional mode of restoring the energy of the exe-

cutive power was by a parliamentary recognition of the right of the Prince of Wales, as the immediate heir of the crown, now as it were *in abeyance*, to assume the Regency of these realms during the continuance of such incapacity. By this means the constitution would be effectually protected from injury; and however distressing to our feelings the circumstances of any particular case may be, the general interests of the community can never be essentially affected. Unfortunately however the Parliament, prompted, doubtless, by that love of power so natural to the human mind, and perhaps deceived by the specious semblance of acting upon principles favorable to abstract ideas of political liberty, and of the nature and origin of civil government, peremptorily denied the existence of any such right; and even proceeded to the dangerous extremity of voting that, in all cases of suspension of the executive power, they themselves possessed an inherent right of supplying the vacancy by the choice of a Regent, and of restraining, by such limitations as they deemed expedient, the exercise of his authority. This vote cannot but be regarded as an act of hostility committed by the legislative upon the executive power of the state, and as concealing under the mask of loyalty more of a republican tendency, than any parliamentary measure since the termination of the civil wars in
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the last century. Numerous are the pernicious consequences which may with apparent probability be conceived to result from it. It is evident that no stress ought to be placed in our general reasonings upon this subject, on the probable shortness of the term during which the incapacity of the sovereign may subsist. If the principles adopted by the two Houses of Parliament are just and constitutional, they are applicable to all cases of incapacity whatever may be the term of its duration. With respect to the late unhappy case, nothing could be more uncertain than the recovery of the King, nothing more uncertain than the time of that recovery. It was no improbable supposition that the malady of the King might have terminated only with his life; which, in the course of nature, would not arrive at a period for many years. If, then, the two Houses of Parliament were empowered to elect a Regent during this interval, and to impose upon him at their pleasure such limitations as to them might appear proper, it is evident that the balance of the constitution must have been destroyed. For the executive power would in such case become entirely dependent upon the legislative power, which would not fail, upon one pretence or another, gradually to circumscribe and curtail the authority of this phantom of royalty, till he was reduced to as insignificant a cypher as a

King of Poland or a Doge of Venice. And the most essential alterations in the constitutional form of government might be made, while the royal prerogative remained in this state of dormant inactivity, exposed to the most formidable attacks, and incapable of the least resistance. In such a situation of public affairs the government might still retain the name of a monarchy, but it would, in fact, be converted into a republic: and a bold, artful, and popular minister would in these circumstances be little less than despotic. Or, in case of an equal division of parties, the state must be torn with internal convulsions: and as no power would exist possessed of sufficient weight and energy to restrain the violence of contending factions, the most dreadful consequences, under so weak and distracted a government, might be expected to ensue.

SUCH, history informs us, was actually the state of the kingdom under the reign of Henry VI. and such the precedent which the enlightened wisdom of the present age was recently called upon to adopt. It is alleged, indeed, that delicacy to the reigning sovereign ought to deter us from consigning, to any representative of royalty, a greater share of authority than the necessity of the case absolutely demands: and that a Regent, invested with full powers, might act in a manner which would prove highly unacceptable to the monarch,

monarch, should he be restored to a capacity of resuming the powers of government. Delicacy to the reigning sovereign! The constitution knows no such term as delicacy; nor can this argument be allowed the least weight, when opposed to such considerations as are connected with the public utility and advantage. Granting that the Regent should adopt measures different from those of the sovereign, is there any reason for believing, *a priori*, that the Regent will be endowed with less political sagacity, or that he will be less disposed to employ it for the public benefit than the sovereign? Admitting the nation, under the auspices of Mr. Pitt, to be governed with wisdom and ability, ought the constitution to be sacrificed to Mr. Pitt's continuance in office? or is Mr. Pitt the only man in the kingdom entitled to the public confidence? If Mr. Fox was justly accused of encroaching upon the prerogative by an attempt to establish a permanent council for the government of India, independent of the crown, is Mr. Pitt not only to escape censure, but to be admired and applauded for his efforts to establish a parliamentary Commission for the government of the whole empire?

Again it is urged, with more appearance of plausibility, that a delegated authority, when from any cause the exercise of it becomes im-

practicable, must revert to the original source of authority—the PEOPLE; who are then at liberty, in their collective capacity, to determine upon such measures as public utility may appear to them to demand. Undoubtedly, all just government rests ultimately upon the basis of public utility: but the very question to be decided in this case is, whether public utility be promoted by a deviation from those maxims of policy which have been found, by the experience of ages, most conducive to public order and happiness. The unity of the executive power, its independency, and irresponsibility, are the barriers by which our monarchical form of government is secured and protected. But after the arbitrary appointment of a Regent, the abject object of monarchical degradation, seated in mock majesty, and existing only by the breath of parliamentary omnipotence, what resemblance would remain of that glorious political fabric so long “the praise and envy of the nations round?” Certainly, the same powers and prerogatives which are useful and necessary in a King, are equally useful and necessary in a Regent; and if the executive authority of the state is exercised agreeably to the spirit of the constitution, it matters little whether the supreme magistrate be distinguished by the appellation of King, Regent, Protector, Stadtholder, or Gonfalonier.

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But there is another consideration of very serious moment, which necessarily arises in the discussion of this subject, viz. That the election of a Regent may be the means of exciting the most dangerous animosities and contentions between the two Houses of Parliament. The history of all elective monarchies shews what dire effects flow from this source of civil discord. And what ground is there to expect that this country alone should be exempted from those evils, which, by a flagrant invasion of the constitutional rights of monarchy, we rashly and wantonly provoke?

The recollection also of the very peculiar and critical situation of this country, with respect to Ireland, should also, surely, cause us to hesitate before we venture to establish a precedent so dangerous, as would be the parliamentary election of a Regent vested even with regal powers. Were the heir apparent, in the recurrence of similar circumstances, to be declared Regent of Great Britain, as a measure founded on a constitutional claim of right, Ireland would be virtually included, the constitutions of both countries being exactly similar; and that kingdom would, no doubt, readily acquiesce in so equitable a decision. But if the Parliament of Great Britain has a right to elect a Regent, the Parliament of Ireland will, doubtless, think them-

themselves entitled to claim the same privilege. And if, at any future period, that assembly, instigated by a spirit of national jealousy and independence, should refuse to acknowledge the Regent of Great Britain as Regent of Ireland, and should think proper to elect a Regent of their own, it is fair to ask, by what ties, political or civil, the two nations would be connected? It is evident that the two monarchies would be as distinct, during the continuance of the two Regencies, as the kingdoms of France and Spain. Surely a principle which leads to a consequence so alarming ought, by every good citizen who wishes to perpetuate harmony between the two countries, to be reprobated as fraught with mischief and ruin. It would be easy to enumerate various other considerations, which, if weightier arguments were wanting, would sufficiently demonstrate the dangerous tendency of this unconstitutional assumption of authority. But enough has been said to establish the general position, that pending the incapacity of the Sovereign, of the existence and duration of which incapacity the representatives of the nation are the sole judges, the immediate successor to the crown ought, upon every principle of rectitude and policy, to be recognized by both Houses of Parliament as Regent of the realm, exercising, by virtue of his office, "kingly power."

ESSAY

ESSAY XXII.

ON THE NATIONAL DEBT.

AT the æra of the Revolution no National Debt existed; *i. e.* no debt borrowed on parliamentary security, for discharging the interest of which national taxes were imposed and mortgaged. It is one of the most astonishing facts in all the records of history, that in the century which has elapsed since that memorable event, a debt has been contracted by the Government of this country which cannot be estimated at less than 250 millions sterling; a sum so vast, that it probably exceeds the whole aggregate value of the precious metals actually in circulation throughout all the kingdoms of the globe. A political phenomenon so extraordinary could not fail to excite the attention, and employ the sagacity of the ablest statesmen and philosophers, closely connected as it is with considerations of the utmost importance to the welfare, and even the existence of the state. In opposition, however, to the most confident predictions, and, indeed, contrary to every apparently reasonable ground

ground of expectation, we find, by experience, that the kingdom is not only capable of sustaining the pressure of this immense load, but that it exhibits plain indications of internal vigour, and even of increasing wealth and prosperity. That there is a point, however, beyond which the accumulation of the public debt must prove destructive and fatal, cannot be doubted; and to this general conviction we owe the late institution of a permanent fund for its gradual redemption.

It is well known, that in the year 1716 Sir Robert Walpole established a fund distinguished by the appellation of the *Sinking Fund*, which was appropriated, under the authority of Parliament, to the sole purpose of redeeming the National Debt, at that time amounting to about 50 millions. This was formed by the reduction of the legal rate of interest from 6 to 5 per cent, aided by various surpluses arising from the different duties and taxes imposed for the payment of the interests of particular loans; the whole being consolidated into one great "aggregate fund." It is evident that a fund so constituted, if faithfully and invariably applied to its original destination, must be not only a fund continually increasing, but a fund increasing with a perpetually accelerated rapidity. For not only the interests of the sums annually discharged by the original fund were to be regularly added to it,

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but the interests of the sums discharged by those interests; and so on in progression *ad infinitum*. Or in other words, the original fund was a fund continually improving at compound interest; and as the public debt at that period bore an interest of 5 per cent, a slight knowledge of figures will suffice to prove, that at the termination of a period of about fourteen years, the fund would be able to disengage annuities equal to its own amount. Estimating, therefore, the original fund at one million, at the end of fifty-six years it would be increased to no less than 16 millions; that is to say, 300 millions of debt, bearing 5 per cent interest, would, at the expiration of this term, be totally extinguished. This is indeed amazing; but as it admits of an easy demonstration, it cannot, at least it certainly ought not to incur the reproach so often cast on the airy dreams of speculative politicians. The radical idea of this plan of redemption is, it must be owned, so obvious and simple, as to render it easily conceivable that even the minister who established it might not himself be fully sensible of its latent energies. When we consider, however, the great abilities of Sir Robert Walpole as a financier, and his extensive political knowledge, as well as the very able and masterly manner in which the nature and powers of this fund were explained and defended by the ministerial advocates

cates and writers of that time, it can scarcely be imagined that Sir Robert Walpole was himself the dupe of those despicable arguments by which the House of Commons was induced, by him, to consent to the total alienation of the Sinking Fund, in a very few years after its first establishment. The true motives which influenced the conduct of that minister, therefore, it may be presumed, were the desire of avoiding the odium of imposing new taxes, in order to provide for current services, during a time of profound peace, and a secret reluctance in the court to lessen the political influence and security which the reigning family was supposed, not without reason, to derive from the existence of a public debt of such magnitude.

For almost half a century after the practice of alienation commenced, the attempts made to restore the Sinking Fund to its original state were few and feeble. At length, notwithstanding the prodigious increase of the National Debt, in consequence of the wars terminated by the Treaties of Aix la Chapelle and Fontainebleau, all ideas of its nature and efficacy appeared to be totally lost; and the whole nation, absorbed in contests as disgraceful to its reputation as injurious to its interests, possessed neither leisure nor inclination to direct its views to an object, in comparison of which the political controversies
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of the day appear egregiously trifling and ridiculous. About the year 1772, however, a private citizen, of the clerical order, but not of the established church, whose habits and studies were apparently very remote from political pursuits, once more awakened the attention of the reflecting and intelligent part of the community, by a most animated and masterly "APPEAL to the Public on the Subject of the National Debt." But though it was scarcely possible, by any exertion of human ability, to display the ruinous tendency of the measures actually pursued, or the advantages attending the restoration of the original plan of Sir Robert Walpole in a more striking or convincing point of view, it did not immediately produce any very sensible effect. Every discussion relative to the management of the finances was supposed, by the generality of persons, to be involved in darkness and mystery: and the noble lord then at the helm of Government, and in the zenith of his power and reputation, affected to consider the irrefragable demonstrations of Dr. Price as the ingenious but Utopian speculations of a visionary writer. And not a single advance was made by Lord North, in the whole course of an administration of near thirteen years, towards the re-establishment of the great and necessary plan of a permanent redemption. On the contrary, after the war with
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America commenced, the annual loans were invariably and avowedly negotiated on the dangerous and desperate principle that redemption was wholly impracticable. And, in conformity to this maxim, in order to effect a trifling saving in the article of interest, that minister scrupled not to create an enormous addition of superfluous capital. In the year 1781, for instance, 12 millions were borrowed, for which the public paid precisely $5\frac{1}{2}$ per cent. interest. Had a capital been created of 12 millions, at 5 per cent. and an annuity granted, for a limited term, by way of premium, it is evident that whenever the debt came into a regular course of redemption no more would be paid by the public than was actually received; and that the high rate of interest would also greatly accelerate the progress of redemption. But the plan actually adopted by his Lordship was to grant for every 100l. subscribed 150l. 3 per cents, and 25l. 4 per cents capital stock; so that a new capital of 21 millions was created when 12 millions only was paid into the Exchequer. Supposing the 3 per cents, therefore, in the course of redemption, to rise to *par*, and under the administration of Mr. Pelham they rose considerably above *par*, a premium of nine millions must be paid by the public for the loan of twelve. That a British minister should be found rash and unadvised enough to propose so extravagant and

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monstrous a plan, or that a British House of Commons should be induced by any arguments whatever to give it the sanction of their approbation, must equally excite our astonishment and indignation.

Happily for the nation and indeed for the world in general, a change of administration soon succeeded, and after a short interval Mr. Pitt was placed at the head of the finances. In the year 1786 the new minister had the merit of forming a plan which soon passed into a law, for appropriating one million annually to the redemption of the public debt. The plan of Mr. Pitt is, indeed, radically and essentially the same with that first projected by Sir Robert Walpole, and revived by Dr. Price. In some important circumstances, however, it differs, and appears to much advantage in the comparison. In the first place, the money appropriated to the purpose of redemption is regularly issued from the Exchequer at stated times, and consigned to the management of Commissioners, who are obliged by law upon the usual transfer days to employ it in the purchase of stock, agreeably to certain rules of proportion established by the act. Thus the House of Commons hath as it were erected a barrier against its own encroachments. The money once paid into the hands of the Commissioners becomes a kind of sacred deposit; and

though the legislature may doubtless by a new act discontinue the payments from the Exchequer, or even compel the Commissioners to refund or alienate what has been already appropriated, yet this would be an effort of political violence which could not fail to excite a very general alarm and a very powerful opposition. And a minister who would not scruple to propose an alienation of a sum, such as the public exigencies might happen to require, of which he had himself the custody, and which presented every moment the most tempting opportunities of seizure, would find himself in very different circumstances when the transfer had been actually made, and his purpose could not be effected, unless a fund, solemnly appropriated to a service of the highest importance, were openly and publicly plundered.

Another capital improvement of the original plan consists in the power vested in the Commissioners to advance money during war by way of loan to the Government. This regulation proposed by Mr. Fox is attended with a double advantage; as it obviates the principal inducement to alienate the Sinking Fund, arising from an urgent necessity for a supply of money during a season of public danger and distress; and as it must have a powerful tendency to restrain the rate of interest on public loans within moderate
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and reasonable bounds. Various other particulars, though of inferior importance, might be specified, in which the plan of Mr. Pitt may justly claim a degree of merit superior to that of his predecessor. Notwithstanding, however, the very general approbation with which it was received, a most vehement attack was immediately made upon it from a quarter, whence so rude an assault could scarcely have been apprehended. The present Earl Stanhope, a nobleman nearly allied to and closely connected with Mr. Pitt, on this occasion entered the lists against the minister armed "*cap a-pie*," defying him "*a l'outrance*," with the lowering brow and menacing air of a fierce and implacable combatant. Raillery apart, it must be confessed that his Lordship's first charge seems intended as a mere flourish, viz. "That the Commissioners may, by means of the powers given them by this Bill, make large fortunes by gambling in the public funds. As the Commissioners," argues Lord Stanhope, "must certainly know in which of the public funds they mean to lay out the *free revenue*, they may previously employ secret and unsuspected agents to purchase as largely as they think proper into that stock, which will necessarily be raised by the consequent appropriation of the public money." But his Lordship seems not to recollect, that by this Bill the Commissioners are obliged

to bring the public money to the public market in regular and equal portions ; therefore no sudden rise can ever take place in any particular stock, in consequence of any vast or unexpected purchase. And as to the gradual rise which will doubtless be the necessary consequence of the gradual purchases of the Commissioners, it is evident that if the whole produce of the Sinking Fund was applied to the redemption of any particular stock, the rise of every other stock would maintain an exact proportion to the rise of the stock so redeemed : as from obvious causes the different public funds have always preserved, and must ever continue to preserve one common level. Dismissing this objection, therefore, as trifling and captious, let us proceed to the second, which we shall find more deserving of attention, viz. that this plan does not propose any conversion of stock.

“ This plan,” says his Lordship, “ is so contrived, that an enormous and unnecessary expence will be incurred by the public in the redemption of the present 3 per cents, which alone form a capital of 186 millions.” Lord Stanhope here professedly grounds his reasonings upon the probability, that the 3 per cents will not be redeemed at an average lower than 90. This as a matter of probable conjecture, and as a basis of argument where certainty is unattainable,

able, may be fairly admitted; and in this case the advantage of a general conversion of the 3 per cents into 4 per cents is manifest. If 100 millions of 3 per cents, redeemable at 90, could be converted into 75 millions of 4 per cents, redeemable at *par*, it is evident that the sum of 15 millions would be saved to the public. This plan of conversion was first proposed by Dr. Price to the present Marquis of Lansdowne, when Earl of Shelburne, and at the head of the Treasury. It obtained the approbation of that nobleman, who meant, had he continued in office, to have combined it with the plan formed for raising the loan for the service of the year 1783. It is, however, liable to a very serious objection, viz. that the stockholders will require so large a premium to induce them to convert, that the sum necessary to accomplish the conversion might be applied with more effect to the purpose of immediate redemption. But in order to ascertain the advantage resulting from such conversion, the average rate of redemption must be previously known. From a general inspection of the present transfer prices, it appears that the sum of two millions 500,000*l.* would be necessary to effect a conversion of 100 millions of 3 per cents into 75 millions of 4 per cents. Here then arises the question, whether it would be most beneficial to the public to employ this sum

in the redemption of stock, or in the conversion of it? An annual fund of one million employed in the redemption of 75 millions of 4 per cents would liquidate the whole debt in thirty-six years. But the same annual fund, aided by the sum of two millions and an half, applied to the immediate purpose of redemption in preference to conversion, in the space of thirty-six years would discharge only 88 millions of 3 per cents, allowing 90 to be the average rate of redemption. A loss of 12 millions, therefore, would, at the end of that period, be sustained by the public in consequence of applying the sum of two millions and an half to the purpose of redemption rather than of conversion. A regular plan ought therefore, doubtless, to be formed, by which a gradual progress might be made in the process of conversion; and as the principal cause of the comparative depreciation of the 4 per cents is the apprehension of a reduction of interest, or a redemption at *par*, the value of the new 4 per cents might be considerably raised, and consequently the expence attending the conversion considerably lessened, by enacting that the new capital should neither be redeemable, nor the interest reducible, till the old 4 per cents were previously and entirely liquidated.

Lord Stanhope, indeed, proposes a plan, according to which a general conversion of stock would,

would, as he fancies, take place without subjecting the public to any extra expence. The grand inducement which Lord Stanhope holds out to the proprietor of stock, in lieu of a premium, to engage him to convert, is *the right of priority of redemption*; and the Sinking Fund is to be inviolably applied to the purpose of redeeming the new 4 per cents at *par*, according to the order of time in which the conversion shall have been made. Conformably to this plan, 100l. 3 per cents would be convertible into 75l. 4 per cents, yielding the same annual amount of interest. It is most certain, therefore, that as long as the 3 per cents remain below 75, the stockholders who are fortunate enough, or have interest sufficient to procure early subscriptions, would need neither arguments nor menaces, lavish as his Lordship is of both, to induce them to convert. But it is, at the same time, just as certain, that a loss would be sustained by the public exactly equivalent to the difference between the actual transfer price of the stock so converted and the sum at which it is to be redeemed. But if the 3 per cents should rise above 75, not all the eloquence of Demosthenes or Cicero would prevail upon a single stockholder, obstinate and insensible as they are, to convert his 3 per cents into 4 per cents, unless a *bonus* was secured to him equal, at least, to the difference between the market

price and the price of redemption. A *bonus*, the noble Lord himself allows to be, in these circumstances, indispensably necessary: and as priority of redemption is the grand allurements held out by this plan, the *bonus* must, of course, correspond or keep pace with the advance of the original stock. If 90, therefore, be, as his Lordship supposes, the average rate of redemption of the original stock, it follows that a *bonus* of 15 millions, at the least, will be necessary, in order to procure a conversion of 100 millions of 3 per cents into 75 millions of 4 per cents; or, in other words, the conversion would be merely nominal, and the same sum would operate exactly in the same manner, if applied to the redemption of the 3 per cents under their original denomination. His Lordship's project is, therefore, in part absurd and extravagant, and in part nugatory and ridiculous.

The third objection urged by Lord Stanhope against the plan established by Mr. Pitt is, that no effectual means are provided to prevent an alienation of the fund from the purpose of redemption. And certainly, if Lord Stanhope can point out any provisions more effectual than those already devised and enacted with this view, the public would be under no little obligation to him. The means actually proposed by his Lordship are, however, totally inadequate to the purpose.

pose. It must be confessed, indeed, that so far as his Lordship's plan participates of the nature of a contract, it would not be considered by Parliament as alterable but with the concurrence of all the parties concerned. And it is evident, that so long as the old 4 per cents should continue below *par*, the consent of those proprietors of the new 4 per cents who were in expectation of a speedy redemption at *par* could not be obtained. If any serious intention of alienation, therefore, was entertained, a stop must previously be put to the process of conversion, which could never be anticipated to any great degree but under circumstances of enormous disadvantage to the public. But whenever the 3 per cents rose above 75, the process of conversion would cease of itself, unless the public voluntarily offered a *bonus* as an inducement to convert, which might be continued or withheld at pleasure. It is plain, therefore, that the Sinking Fund could never be incapable of alienation for any considerable period of time; and for such a time only as it was employed in operations of finance peculiarly pernicious, absurd, and extravagant. As ministers of state are often severely censured without reason, it is both right and pleasing to commend when their public conduct has been really meritorious. It is remarkable, however, that the learned and excellent man who first
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awakened the attention of the nation to this interesting and important subject, upon whose ideas Mr. Pitt appears chiefly to have acted—the man who so ably and clearly explained the nature and powers of the Sinking Fund, and who so forcibly and, at length, successfully, urged its re-establishment, has had no mark of public approbation or distinction conferred upon him, though titles, places, and pensions, have been profusely lavished upon persons respecting whose public services the public still remain most profoundly ignorant. It has, indeed, been disputed, whether patriotism be really a virtue; if it is not, at least, it must be allowed to bear a striking resemblance to it, in the honour it so indisputably possesses of being considered as its *own reward*.

ESSAY XXIII.

OBSERVATIONS ON THE TEST LAWS.

IT is well known that the very remarkable law, which imposes upon all persons, holding offices civil or military under the crown, the necessity of receiving the sacrament according to the rites of the church of England, was enacted at a period when these realms were exposed to the most imminent danger of falling once more under the yoke of Popery. A plot was actually formed for the re-establishment of that bloody and detestable superstition; and as the sovereign himself was the principal conspirator, it became indispensable necessary to restrain the royal prerogative in the exercise of a very important branch of the executive power, and to adopt some effectual mode of compelling the crown to divest its accomplices of every degree of political influence and authority. The TEST ACT was admirably calculated to answer this important purpose. It was deemed by the whole nation, and acknowledged by the Papists themselves, to be the most formidable barrier that could have been erected against the designs of the court. And in the succeeding reign, when
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the same designs were revived and almost openly avowed, it is certain that the Test was regarded as the grand obstacle to their accomplishment. It is, however, not a little unfortunate that measures, originally framed upon principles of the truest wisdom, and justified by motives of the most urgent political expediency, should, in the progress of human affairs, be themselves converted into grievances of very serious magnitude. This is a defect incident to all human legislation, and this is precisely the case with respect to the law in question. In the course of more than a century all rational apprehensions of danger from Popery have totally ceased: and if this law did not exist, it would now, doubtless, be thought as unnecessary, and even preposterous, to oppose such a barrier against Popery as against Mahomedanism.

To the great regret, however, of those who hoped better things from the liberality of the present times, the motion of Mr. Fox in the House of Commons, March 2, 1790, for a repeal of the Corporation and Test Acts, so far merely as they operated to the exclusion of Protestants dissenting from the established church from civil offices, was negatived by a majority of 189 voices. The circumstances attending this rejection are too curious and remarkable to be very soon or very easily forgotten. A previous application

application to Parliament for this purpose had been made in the year 1787; and though the minister, Mr. Pitt, declined making any clear or specific declaration of his sentiments relative to the propriety of it when the design was first communicated to him, he thought proper to oppose it in Parliament in a manner which occasioned no little surprise and chagrin*; the Dissenters, under the idea of his being an ardent friend of liberty civil and religious, having hitherto ranked amongst his most zealous adherents. The original motion of Mr. Beaufoy was, in consequence of this strange and impolitic opposition, rejected by a majority of 78 votes. The arguments of Mr. Fox and other advocates for the repeal making, however, a very visible impression upon the House, another attempt was thought adviseable in the session of 1789, when Mr. Beaufoy, in a very able speech, again moved the House for the repeal in ques-

* A very intelligent and respectable member of the committee, appointed to wait upon Mr. Pitt on this occasion, informed the author of this tract that they had no doubt, from the manner in which Mr. Pitt expressed himself, that he would have supported the motion of repeal: as was, in all probability, his original intention. But his resolutions failed him, and Toryism, with its train of attendant mischiefs, from that moment once more acquired a decided ascendancy in the cabinet.

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tion. The motion was very powerfully supported; and though the minister again appeared as the determined adversary of the measure, on a division it was negatived by a majority of 20 voices only. This encouraged still farther exertions. And as the disposition of the House of Commons was apparently favorable to the repeal, and that of the nation at large by no means adverse, it was hoped that, on a third application, the court would relax in its opposition to a measure which had ever been patronized by Whig ministers and Whig monarchs, as involving in it considerations the most essential to liberty, which had been expressly recommended by King WILLIAM to the English, and by King GEORGE I. to the Irish Parliaments; and which Mr. Pitt, if he had been animated by a single spark of the "spirit of his fainted fire," would have disdained to purchase the smiles of royalty or the plaudits of bigotry by standing forward as the public advocate of oppression, to oppose.

As soon, however, as it was known that another application was determined upon, every engine was put in motion in order to obstruct the success of it. The obsolete and terrific cry was revived that *the Church was in danger!* The provincial conventions of the Dissenters, who had been reproached by their opponents, and by Lord North himself in the House of Commons with coldness

coldness and indifference as to the success of the former applications, were represented as so many conspiracies formed to subvert the peace of church and state. Counter meetings of the friends of the Establishment were summoned. Lords of the bedchamber were amongst the first to attend them. The public papers were filled with malignant and inflammatory libels against the Dissenters. New pamphlets were written, and old ones revived in order to demonstrate the dire effects which would flow from a renunciation of the principle of persecution. For the Test Act is either an act of political and urgent necessity arising from a striking peculiarity of situation and circumstances, or it is an act of real and undisguised persecution; since the great principle of toleration is so far violated, as men are divested of their civil and political rights for exercising their moral and religious rights. In short, heaven and earth were moved by the court faction to prevent, in their profound wisdom and ardor of loyalty, the restoration of the monarch to the exercise of his constitutional prerogative, by the removal of a restraint as disgraceful to the sovereign as it is injurious to the subject. In the midst of this political ferment Mr. Fox nobly dared to stand forth the champion of a cause founded on the immoveable basis of justice, reason, and truth; and inseparably connected

nected with those sacred principles of civil and religious liberty, for which it is his pride and his boast that he has ever uniformly contended. The event was indeed unsuccessful, but inglorious was the triumph of his rival.

Amongst the many invidious and malignant publications which disgraced the opponents of this repeal, a pamphlet ascribed to the present Bishop of Rochester, Dr. Horsley, intitled "A REVIEW of the Case of the Protestant Dissenters," stands perhaps most conspicuous. It consists of a series of remarks on the case of the Dissenters, as stated in a paper published by the authority of the Committee to whom the conduct and direction of the business were chiefly entrusted. His Lordship, disliking the arrangement of the multifarious matter contained in this short statement, has disposed the arguments of the Committee in the following more lucid order: 1st, Grounds of claim; 2dly, Religious motives; 3dly, Political reasons. The pretended claim of the Non-conformists, says his Lordship, appears to be threefold; upon the gratitude, upon the justice, upon the impartiality of the state. Their claim upon the gratitude of the state, in this instance, is founded, as his Lordship justly observes, upon certain services rendered to the state, in consequence of the disinterested part they acted in contributing to the passing of the Test Act: which
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was originally introduced as a barrier against Popery, in direct opposition to the court, at a most dangerous and alarming crisis. In reference to this claim, Bishop Burnet declared, in the debate on the occasional Conformity Bill, "that it was peculiarly hard that an act, obtained in some measure by their concurrence, should be made the instrument of their oppression." And the Lords who voted for the repeal of the Test in the reign of King WILLIAM observe, in their memorable protest on that occasion, "that the edge of a law, intended solely to exclude Papists from places of trust, is, they know not by what fate, turned against Protestants; and that the king and kingdom are thereby deprived of divers men fit and capable to serve the public, for a mere scruple of conscience, which can by no means render them suspected and much less disaffected to the government."

By this claim of gratitude, which is very clearly and forcibly stated on the part of the Dissenters in a very few words, and which certainly cannot fail to make some impression upon every mind susceptible of generous feelings, the Bishop of Rochester is so much embarrassed, that he thinks it necessary to employ twenty pages in answer to it. "In the zeal of the Protestant Nonconformists," say the Committee, "to rescue the nation from the dangers which were at that time

apprehended from Popish recusants, they contributed to the passing of the bill; willingly subjecting themselves to the disabilities created by it, rather than obstruct what was deemed so necessary to the common welfare. Alderman Love, a member of the House of Commons, and a known Dissenter, publicly desired that nothing, with relation to *them*, might intervene to stop the security which the nation and Protestant religion might derive from the Test Act: and declared, that in this he was seconded by the greater part of the Nonconformists." The reasonableness and importance of this declaration was candidly acknowledged by the assembly to whom it was addressed, and is well understood by all who are acquainted with the state of parties at that period.

In order to obviate this ground of claim, the Bishop of Rochester in the first place asks, "Whether the Protestant Dissenters conceive that the general danger from Popery, which their ancestors so much dreaded, is now in such degree removed that Papists may with safety be admitted to those places of authority and trust from which the Corporation and Test Acts exclude them? Because, if the danger still continues, it may become the Nonconformists of the present times to imitate the example of their ancestors which they so much extol, and to submit chearfully to particular

particular inconveniences for the general good." To this it may be replied, that there is no reason to question their readiness, in similar circumstances, to imitate the noble example of their ancestors. But if the Test Act was originally and expressly intended to exclude the Papists from offices of trust, and if its operation extended to Dissenters only accidentally, though circumstances prevented the legislature from drawing a precise line of discrimination, at a crisis so urgent as that in which the Test Act was introduced, the Dissenters have a fair claim, at a more convenient season, to petition for an exemption from the penalties of that law which was obtained in a great measure in consequence of their concurrence; even supposing it to be still necessary or expedient as to the Catholics, which is a separate consideration. Therefore all the learned pains which this Right Reverend Apologist for national ingratitude has taken, to show that the law itself cannot be safely abrogated, or any expedient substituted in lieu of it, as far as the Test bears relation exclusively to the Papists, are nothing to the purpose, and evidently and totally foreign to the question as it applies to any class of Protestants.

His Lordship's second argument in vindication of public ingratitude is, "that the present race of Nonconformists adopt very different principles

in religion from their forefathers, who were Calvinists in doctrine, in discipline Presbyterians; whereas, according to the Bishop of Rochester, the modern Dissenters are Arians, Socinians, Pelagians, Necessarians, Materialists, any thing rather than Calvinists," p. 22. This, as to the majority of Nonconformists, is most undoubtedly false; but if it were true, it is just as foreign to the purpose as his Lordship's former argument. The modern Nonconformists suffer civil inconveniences, in consequence of the patriotism of their ancestors. "True," says my Lord of Rochester; "but lives the remembrance of this service in the mind of government? Glows the public bosom with the generous flame of gratitude? No," exclaims his Lordship, in the genuine spirit of unrelenting bigotry, "the claim is cancelled, for you have dared to deviate from the religious principles of your Calvinistic ancestors." And of what consequence is this to the government, may the Dissenters reply, if we continue faithful in our allegiance to the state? If the Dissenters are dangerous or seditious subjects, punish them for their own faults.—If they are peaceable and loyal subjects, punish them not for the faults and much less for the virtues of their ancestors!

His Lordship's last resort is to the plea of political expedience. This, if justly urged, may
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indeed supersede, though it cannot invalidate the claim of gratitude; which is certainly adduced with propriety as one argument, though by no means the chief argument, in favor of this repeal.

The SECOND claim of the Nonconformists, or their claim upon the *justice* of the state, hath, as his Lordship asserts, a double foundation. The *first* ground is the right of private judgment in matters of religion, which as the case under his Lordship's review states, "being now universally acknowledged, no man's exercise of it ought to be branded with a mark of infamy." To this the Bishop replies, p. 25, "that it becomes the friends of peace and order in the state, whenever this universal acknowledgment of the right of private judgment is pretended, to protest LOUDLY against it. It is not, exclaims his Lordship, acknowledged in any such extent as the Nonconformists contend for by the church of England; nor by the Calvinistic churches of Holland, Scotland, or Geneva. It is not acknowledged by the episcopal church of America; nor can it be acknowledged without restriction, more or less, by any established church in Christendom; a denial of any such unlimited right being implied, in the very idea of an Establishment:" than which last reflection, the greatest enemy of Establishments could not have advanced any charge more subversive of those foundations of justice and equity,

on which alone they can safely rest. Amidst his Lordship's vehement declamation against the right of private judgment, it might not have been amiss, as reason still weighs for something in the scale, had he blended some semblance or shadow of argument, and not have rested his opposition entirely upon the LOUDNESS of his protestations against it.

"Whatever may be the extent of private judgment, however," says his Lordship, "the Corporation and Test Acts imprint no infamy upon the exercise of it. Civil incapacities carry no infamy, except when they are attached to an individual by the sentence of a court, taking cognizance of crimes for which infamy is the proper or legal punishment. But the same incapacities, when they appear not otherwise in the individual than as he comes within a certain description of citizens, disqualified by some general law, are not infamous; for the same reason, that it is not infamous to any man not to be qualified by his fortune to sit in Parliament, or to vote at a county election, or to shoot game. Nor is it within the intention of the laws, which appropriate these rights, to imprint disgrace upon the excluded citizens. For the same reason, no infamy attends the incapacities established by the Corporation and Test Acts." In answer to this wretched sophistry, it may be remarked, that civil incapacities affecting whole classes of citizens are
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evidently of two kinds. Such as have no reference to the *characters* of those who are thus incapacitated, and which of course can imply no reflection upon the conduct, but are merely founded on the general basis of utility, and such as originate in the idea of danger to be apprehended from the disaffection and evil designs of those, who upon that account *only* are made the subjects of legal incapacitation. It is not infamous to be incapable of voting at a county election, because the law which excludes those who possess not freeholds of a certain value has reference merely to convenience or political expediency, and implies not the least reflection or reproach on the characters of those who happen not to come within that description. But when that Parliament of King James I. which according to Bishop Sherlock had the honor of inventing this Sacramental Test, gave it as a reason for imposing it, that it was intended “for the better discovery of divers persons popishly affected, who, nevertheless, the better to cover and hide their false hearts, and with the more safety to execute their mischievous designs, repair sometimes to church to escape the penalty of the laws;” when a whole class of citizens were incapacitated by the imposition of such a test, it could only be considered as a mark of infamy. And this may with equal justice be affirmed of

the incapacities established by the acts in question. They are laws dictated by anger and suspicion. The Dissenters are virtually declared, by these acts, to be bad citizens—wholly undeserving the favor or confidence of the Government under which they live. This incapacitation is founded entirely upon the idea of the political turpitude of those who are the subjects of it.—And yet the Dissenters are assured by this Right Reverend Reviewer of their case, “that there is no degree of infamy, or even of disgrace, attached to this exclusion; that the exclusions of the Corporation and Test Acts hardly amount to incapacities, because they declare no incapacities but such which the individual hath in his own power at any time to efface.” p. 27. What an admirable Inquisitor General would this meek and merciful Bishop have made! In the same spirit good Bishop Bonnor, doubtless, would not hesitate, in vindication of the wholesome severities of his time, to say, “that the penalties inflicted by the writ *de hæretico comburendo* scarcely amounted to penalties, because they were such as the individual, by a dutiful submission to the church, had it in his power at any time to efface.”

But the claim of the Protestant Dissenters on the justice of the state is founded, *secondly*, as we are truly told, on their loyalty to his Majesty's
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illustrious family and the established Government. This the Bishop of Rochester denies, with as much assurance as if he had never read a single page of the English annals from the æra of the Revolution to the present times. "The real character of any sect or party," says his Lordship, "hath in truth little connection with the general dispositions of its nominal adherents in quiet times. The dispositions of the leaders, with respect to party views, make up the whole character of the party. It is yet within our memory, that numerous clans of Highlanders, which for many years back had been composed of peaceable and quiet subjects, no sooner heard their chieftains pipe upon the hills than they rose up to a man rebels armed." p. 29. By this vile and malignant insinuation would his Lordship fix both the reproach and punishment of disaffection on those citizens who have ever shewn themselves inviolably attached to the present Establishment; who have been most ready to sacrifice their lives and fortunes in defence of the once disputed title of the House of Brunswick, voluntarily incurring, in the ardor of their loyalty, the dreadful penalties of the Test Laws, in exigencies the most critical; and relying on the merit and magnitude of their services for that pardon from the Government which could

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not be refused without public injustice, nor granted without public disgrace.

The parallel between the different sects of Dissenters and "the numerous clans of Highlanders" is most preposterous. Every one in the least conversant with the history of these kingdoms, will recollect the despotic authority exercised by the Highland chieftains over the Highland tribes previous to the abolition of the heretable jurisdictions; that the majority of the clans were, from the period of the Revolution, notorious for disaffection; and that no such sudden change, from loyalty to disloyalty, as Bishop Horsley ridiculously pretends, ever took place even amongst them. Whence, then, can proceed these *brain-sickly* apprehensions respecting the Dissidents of England? His Lordship's proofs are, "that a celebrated dissenting divine, Dr. Price, mentions the American Revolution as the most important step in the progressive course of human improvement next to the introduction of Christianity; and places the glory of the American states," as his Lordship is pleased to affirm, "in their emancipation from Lords, from Bishops, and from Kings." And that another celebrated writer, Dr. Priestley, speaking of what he conceives to be the corruptions prevailing in the church, has predicted, "that a complete reformation of them will not take place but in consequence

quence of great civil commotions." And he might have added, what universal experience proves, that these commotions are invariably occasioned by the pride and folly of those who obstinately oppose those changes which good policy approves, and which the spirit of the times will, in spite of all opposition, ultimately effect. And the profound sagacity of Lord Bacon pronounces "a froward retention of custom to be as *turbulent* a thing as unseasonable innovation." At all events, great bodies of men must be tried by the general tenor of their actions, and not by the unauthorized declaration of a few insulated individuals.

But the consideration upon which the Right Reverend Prelate insists, as the most convincing proof of the disloyalty of the Dissenters, is their dislike of the present Ecclesiastical Establishment. And the Bishop quotes a variety of passages from the Catechetical Lectures of Robinson and Palmer on the subject of Nonconformity, in proof of the extreme rancor of their animosity against it. These publications, certainly, amidst much just and bold censure, contain many theoretical positions which appear to me very erroneous; and in the vehemence of controversy, as is ever peculiarly the case in *theological polemics*, angry invective is too often substituted for dispassionate reasoning. But nothing is discernible
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at which even the church, and much less the state, need to take any alarm. These writers disapprove the present system of Ecclesiastical policy; and they express their sentiments upon this subject as members of a free community, without reserve, as various other able and virtuous citizens have done relative to the present system of parliamentary representation, the extent of regal influence, and other great and interesting political questions. But do they intimate that a reform ought to be attempted by any other than legal and peaceable methods? Do they wield any other weapons than those of argument and declamation? Let the church, then, oppose argument to argument; and if she pleases, however distinguished hitherto for her meekness of disposition, inveigle to inveigle. Has she not the riches, the power, the policy of the state, to protect and defend her? Why, then, these pusillanimous apprehensions, these disgraceful terrors? Why does the church, when a *brawling Sectary*, to use the polite language of the Bishop of Rochester, p. 18, lift up not his sword or even his hand against her, tremble and turn pale with consternation?

The principles which these writers advance are not however hastily to be ascribed to the entire mass of Dissenters, many of whom it is certain entertain sentiments widely dissimilar. And
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in a very able publication, stiled "An Enquiry into the Principles of Toleration," by the late Mr. Fownes of Shrewsbury, a name which, amongst the superior classes of Dissenters, is held in high and deserved estimation, the Bishop of Rochester might have found the following passage. "National Establishments of religion are, in fact, provisions made by the governors of a state for advancing the knowledge and practice of religion and virtue. According to this idea they stand on the same basis, and may properly be referred to the same general rank with all public institutions for the cultivation of the minds, and improvement of the morals of men; only, when well constructed, incomparably superior to them all in weight, influence, and dignity." These sentiments precisely correspond with those of Bishop Hoadley, that renowned champion of the civil and religious rights of mankind on this subject; and with those of all rational and liberal advocates of religious Establishments. As to the Harlowe Synod, on whose approbation of Mr. Robinson's publication the Bishop of Rochester lays so much stress, and whose celebrity in his estimation seems to rival that of Dordt, it appears upon enquiry to be merely a convention of a few Anabaptist ministers of the counties of Cambridge and Essex, who take upon them the harmless, though somewhat

what high-sounding title of "The Eastern Association."

LET the religious opinions of the Dissenters, however, be what they may, it is neither the province nor the policy of the magistrate to interest himself in these theological discussions. To the question "*What is Truth?*" he is in such cases very incompetent to decide. The only thing which it concerns him to know is, whether these combatants, armed merely with grey-goose quills and air-drawn daggers, yield a willing and chearful obedience to his authority. For if they do, there can be no good political reason for divesting them of any of the privileges or immunities of good citizens: and they may, doubtless, be safely admitted to a participation of those subordinate powers which are necessary to the due and regular administration of the supreme authority. The state, it is true, takes under its more immediate protection that form of religion which it deems best adapted to the general circumstances of the community. But a right to impose this form upon the meanest member of that community, it does not and cannot possess. It allows, therefore, or ought to allow the most unlimited right of dissenting from it; and of declaring the grounds and reasons of that dissent: and to inflict penalties upon the exercise of an acknowledged

ledged right is, surely, in the view of reason, most absurd and monstrous.

In the early part of the present century the then popular champions of Nonconformity, Calamy, Pierce, Delaune, Twogood, &c. stated their objections to the National Establishment with no less boldness and asperity than Robinson and Palmer. But did the government at that time condescend to take any alarm at these publications, or regard them as so many demonstrations of disloyalty? No—directly the reverse. It was perfectly understood by the Montagues, the Walpoles, and the Pelhams, that the authority of the state could never be endangered, if no attempts were made or meditated to effect a change in the established religion by violent means. If such attempts could be supposed, those who engage in them are and ought to be amenable to the laws. If, on the other hand, by the influence of reason and argument only, the majority of the nation are convinced that the established religion is either wholly or in part erroneous, the governing power of the state is at liberty, and ought doubtless to make such alterations as discretion shall dictate, and the more advanced state of knowledge shall appear to require. Nay should any individuals even imagine that the magistrate exceeds the proper limits of his province, in establishing *any* religion in the state,

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and very cogent arguments have been offered on this head; those very individuals may be as good subjects as any in the community, excepting they also fancy that it is incumbent upon them, not by reasoning but by violence, to rectify the mistake of the magistrate; and to subvert that establishment by force, which the magistrate is, in these circumstances, not only authorized, but under an obligation to defend by force.

We see, in fact, from the uniform conduct of the Dissenters, for more than a century past, that these abstract speculations, so far from being dangerous to the state, are perfectly consistent with the most undeviating fidelity to the state; nay, with a passionate zeal and attachment to it. And it is very remarkable, and a striking proof of the truth of these assertions, that for many years subsequent to the Revolution, the Protestant Dissenters, who are by their enemies most absurdly and injuriously represented as partially disaffected to the constitution, because they exercise, in dissenting from the church, one of those rights with which they are invested by the constitution, were, of all the different classes of citizens, the most firmly and zealously attached to the new settlement. And that on the contrary, a great majority of the sons of that church, which in these times presumes to charge the Dissenters with disloyalty, were, of all the subjects of the state, the
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most dangerous, seditious, and disloyal. "The oath of allegiance," as the Right Reverend Historian of his own times tells us, "was taken by many, *particularly amongst the clergy*, to the great reproach of their profession, in a sense grossly equivocal. For regarding the deposed monarch as still their king, *de jure*, they satisfied their conscience with a submission to the King and Queen as usurpers during their usurpation. So far had they entangled themselves by their strange assertions of the divine right of monarchy, and the absolute unlawfulness of resistance."

The spirit of the church, in a political view, differs indeed most essentially from the spirit of the constitution, or rather it is diametrically opposite to it. For the existence of its legislative powers it is dependent entirely upon the crown, which by virtue of its supremacy has wisely suspended, or rather annihilated the exercise of them. Its executive powers are subject to no regular superintendency or control, and its judicial powers are universally execrated as dark, oppressive, and despotic. The church presumptuously claims indeed to be *an ally* of the state, as if it were a co-ordinate or independent power: and talks of the two-fold nature of the constitution, as if the Act of Toleration was not as much a part of the constitution as the Act of Uniformity. But the church is, in a civil view, the mere creation of

the state, which supports what it originally formed, not as *ALLY*, which is only a softer term for a rival to itself, but as a mere human institution, established for the purpose of instructing the people in the principles of morality and religion. And it must be acknowledged that the Anglican church, with all its imperfections, is in many respects well calculated to effect this great and salutary purpose; that countless multitudes of pious and excellent Christians have lived and died in its communion; that very many able, learned, and zealous advocates and defenders of our holy faith, have adorned its most elevated station, and have rendered its name truly illustrious. And if it is disgraced by the conduct and sentiments of a *LAUD*, a *SACHEVEREL*, or a *HORSLEY*, it would be unjust not to recollect that it has also produced a *TILLOTSON*, a *HOADLEY*, and a *WATSON*.

“The Nonconformists urge a *third* claim,” says the Bishop of Rochester, “upon the impartiality of the state,” p. 32. And certainly the English Nonconformists have reason to complain of the partiality of the state, if, while Irish Nonconformists and Scottish Nonconformists are treated as good and loyal subjects, they alone are excluded from the common benefits and privileges to which, as citizens of the very same description, they are doubtless equally entitled. To this his
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Lordship makes an answer very novel and curious. "The church of Scotland," says he, "can complain of no injustice, while her sons enjoy all the rights which she stipulated for them at the union." Is his Lordship really serious? The Nonconformists in England complain that they are placed in less advantageous circumstances than the Nonconformists in Scotland—And his Lordship loftily and superciliously replies, that the church of Scotland cannot be dissatisfied with this so long as the treaty of union is not violated! If either Conformist or Nonconformist, Englishman or Scotsman, can comprehend the force of this reasoning, he must be a man of extraordinary sagacity indeed. The church of Scotland, which is no more aggrieved by the sufferings of the English Nonconformists, than the church of Alexandria, has apparently some ground to complain, it must be owned, as the case under his Lordship's consideration justly states, that the members of her establishment, resident in England, are subject to the penalties of the Test, which is not imposed on members of the English church resident in Scotland. But if they themselves are pleased at this, I know not what reason the English Nonconformists have to be displeased. As his Lordship's reply, however, has reference to this circumstance only, it leaves the general argument unanswered and unanswerable.

As to the repeal of the Test Act in Ireland, it is not, as his Lordship is pleased to tell us, an example to be imitated by England, for divers weighty reasons. 1st, Because England has a right to judge for herself. 2dly, Because the Test Act was repealed in Ireland when that kingdom was in imminent danger of a foreign invasion, *i. e.* at the very time when it ought to have been most strictly enforced, if the Nonconformists were really dangerous or disaffected subjects. And lastly, because the present state of the church and kingdom of Ireland is such as the Bishop does not chuse to mention. It would be great presumption to attempt a reply to these profound arguments. But what that present state of the kingdom of Ireland is which the Bishop of Rochester does not chuse to mention, may be collected from the address of the Speaker of the Irish House of Commons to his Excellency the Lord Lieutenant, on presenting the bills of supply, in the course of the last Session of Parliament, for the royal assent. After enumerating a variety of favorable circumstances tending to evince the rapid increase of the national felicity and glory, he concludes with saying, "Such is the present prosperous situation of this country; and we behold it with the more satisfaction, because it has not arisen from temporary or accidental circumstances, but has proceeded

ceeded in a steady and regular course, from a wise system uniformly adhered to, from a confidence of the nation in a continuance of that system, and above all, from that content and peaceable submission to the laws, without which no kingdom, however blest in constitution, climate, soil, or situation, can be rich, powerful, or happy."

Let us now pass on to the next general branch of the question, as stated by his Lordship, under the head, 2dly, Of religious motives urged by the Nonconformists in favor of the repeal of the Sacramental Test, p. 34. It is said that the application of the Sacrament of the Lord's Supper to the secular ends of civil societies, is a profanation of that holy ordinance; that these acts are snares for the consciences of men, and particularly of serious clergymen of the established church. It must be acknowledged that the arguments of Bishop Sherlock, as transcribed by Bishop Horsley, in answer to this objection, carry with them great force, upon the supposition that a test is really and indispensably necessary, and that no other test could be substituted equally efficacious. It is difficult to discover how a religious rite is *profaned* by being made subservient to purposes of subordinate and temporal utility. And if it is the *occasion* of profanation, in particular instances, the law which imposes the test, if politically expedient, is not more responsible

for that profanation, than the law which enjoins an oath is responsible for all the perjuries of which it may be the accidental cause. It is nevertheless a just and cogent argument against the superfluous, and much more, the wanton imposition of either, that they will probably be the *occasion* of profanation and perjury: and therefore they should be imposed with great caution, and not without a strong and urgent necessity. Having made this concession, it is proper just to notice certain curious arguments advanced in vindication of the clergy, by Bishop Horsley, which are *not* to be met with in Bishop Sherlock. The exhortation which the parish priest is directed by the Rubric to deliver to the congregation, when he gives notice of the celebration of the Sacrament, forbids blasphemers of God, slanderers of his word, adulterers, &c. to approach the holy table. And yet the minister is bound, as is alleged, to admit all such persons to the Sacrament, when they demand it as a qualification for an office, or subject himself to a prosecution. "But" says his Lordship, "if persons of profane, irreligious lives, warned of the danger of coming to the Lord's table without repentance, will, nevertheless, come in defiance of that warning, and have a right under the letter or construction of any law to demand admission, the laws absolve the priest's conscience, and leave the

the impiety on the heads of those who, warned of the danger, despise the sanctity of the institution. The priest who hath exhorted, warned, and admonished, hath done his utmost, unless, beside the authority of exhortation, the law hath given him a power to repel," p. 39. Now, the question, is—Whether the priest can plainly, agreeably to the sacred obligations of his office, administer the Holy Sacrament to blasphemers of God, slanderers of his word, adulterers, and other grossly vicious and profligate persons? If he cannot, the Test Act is certainly a snare to the priest's conscience. Bishop Horsley, however, being a great adept in casuistry, pronounces positively, that *under the letter or construction of any existing law* he may; and his reason is, "that in this case *the laws absolve the priest's conscience.*" What! the laws of God? No such thing. His Lordship means the laws of England. But if the cause should happen to be carried, by appeal, into a superior court—that HIGH TRIBUNAL, where the Rubric and Statute Book are equally unknown, what will this plea then avail in arrest of judgment? If his Lordship does not blush on reconsidering the nature of the plea he has offered, we may infer the efficacy of the laws of England, not merely to absolve the conscience of a priest, but even that of a bishop.

We are now arrived at the third and last grand

division of the allegations urged by the Nonconformists in favor of this repeal—political expedience; upon which, as his Lordship observes, the principal stress ought to be placed. Prove the Test Act, or any other human law which is not inconsistent with the divine law, to be necessary to the welfare, the peace, and the prosperity of the community, and it must be admitted that private individuals ought to acquiesce in it; and that all arguments deduced from the hardships or inconveniences sustained by those who may conceive themselves aggrieved by the operation of it, must fall to the ground. The safety of the people is the supreme law. The claims of gratitude, justice, and impartiality, therefore, as advanced by particular members or classes of the community, however weighty in themselves, are absorbed in the superior consideration of national expediency; the grand object to which a statesman ought to direct his attention. But then the public expedience of any measure ought to be extremely apparent and striking, in order to justify the infliction of any political hardship or penalties upon the meanest individual, and much more upon numerous and respectable classes of citizens. For government being itself an institution subservient to the general happiness, the spirit of laws ABHORS all unnecessary severity. And if, in any instance, penalties are inflicted
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which are not warranted by, and founded upon a regard to the public welfare, in that instance government degenerates into oppression and tyranny. With respect to the particular case now under contemplation, the Protestants dissenting from the established church in this kingdom are not justly reproachable with any failure in their various duties or obligations as citizens, either public or private. And granting it to be incumbent upon the governing powers to guard and protect the established church, so long as it appears to them an institution by which the public welfare is promoted, yet certainly it is not incumbent upon them to distinguish, by any marks of resentment or ignominy, those who peaceably dissent from that Establishment. Such treatment is contrary to every principle of policy, rectitude, and justice. What danger or inconvenience has arisen to the Gallican church or nation from the occasional appointment of Protestants to civil and military offices? When did France ever attain to a greater height of prosperity than under the patriotic administration of a SULLY? When were the armies of that monarchy more successfully conducted than by a TURENNE or a SAXE? Or the finances of the state more honestly and disinterestedly administered than by a NECKER? Or if we recur to the practice of antiquity, were not Christians

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employed in great numbers by the heathen Emperors, notwithstanding the occasional interruptions of persecution in all the civil and military departments of the state? and heathens, in like manner, by the Christian Emperors? But to the disgrace of our own age and country, Christians are proscribed and persecuted by Christians, for trivial and almost undefinable differences of opinion in religion. And because a man chuses to worship God in the way of his fathers, and agreeably to the dictates of his own judgment, he is pronounced disloyal to his sovereign, and disaffected to the government, which allows him that liberty, or rather which protects him in the enjoyment of that undoubted natural and personal right. For religion is in its own nature a voluntary and personal concern. An Establishment, therefore, is wholly incapable of vindication, which is not accompanied with an unlimited toleration. Those who do, and those who do not conform, are equally entitled to the protection and to the favor of the state. And to make the protection of the church a pretext for the oppression of any part of the community, is virtually to counteract those principles of benignity and utility from which alone the church can derive any just claim to protection, or even to existence as a civil institution.

If, indeed, any persons dissenting from the
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established church should form dangerous or unwarrantable designs against the state, with a view to effect any alterations or improvements, real or imaginary, in the established mode of worship, then, undoubtedly, the state has a right, as in any other case, to avail itself of such means as are necessary to the preservation of its own authority, and the security of that institution which rests upon it for protection and safety. So far does the power of the civil government properly extend : and upon this ground the laws, enacted from time to time against the Papists in this country are, or rather were in a great degree justifiable. For Popery in our days can be regarded only as the gigantic ghost of some monster of other times. But then this is widely different from, or rather totally opposite to, that detestable plan of policy, which would inflict penalties upon obedient and virtuous citizens, merely for exercising their inherent right of private judgment in matters purely religious; or which would impose any civil disabilities upon such persons, or divest them of any of the privileges or immunities of good subjects, without very strong and decisive evidence that they would make an improper or unwarrantable use of those privileges; or which, in a word, scruples not to make the most remote and visionary apprehensions of evil a pretext for actual oppression. So long

long as any body of men can give satisfactory security for their behaviour as good citizens; so long as they make use of no methods but reason and argument in support of their respective opinions, they are entitled to share in all the temporal advantages of the community, of which they form a part, in proportion to their numbers, their rank, and their abilities. In conformity to these general maxims of polity, we see thousands of citizens dissenting from the established church in actual possession of the right of voting for members of Parliament. We see also members of Parliament themselves who are not members of the established church. A great diversity of sentiments in other respects, political and religious, prevails likewise amongst the members of the legislative body: but no apprehensions of danger are entertained on this account. In that popular and powerful assembly, where all material alterations of a political or religious nature must necessarily originate, we readily acknowledge the propriety of a general admission of all who profess their allegiance to the government, and the utility of an unlimited freedom of debate and of investigation. How inconsistent, then, nay, how ridiculous is it to pretend, that the admission of persons of the very same description to civil offices would endanger the peace and welfare of the community!

To this general declaration, respecting the expediency of this repeal, may be properly subjoined a few remarks, such as obviously occur on a review of the *pompous nothings* contained in this part of his Lordship's publication. It is urged 1st, and certainly with very great force, as an argument against the political expedience of the Sacramental Test as affecting Protestant Dissenters, that it was, as the preamble of the act itself sets forth, imposed "for preventing dangers which may happen from Popish recusants," and that it is, therefore, an abuse of the act to make it the instrument of oppressing the Dissenters. In answer to this, his Lordship has the *hardihood* to deny the fact on which the argument is founded. "It is true," says he, p. 42, "that the title of the act mentions only dangers from Popish recusants. But it is equally true that the provisions of the act equally affect all Dissenters. And this general operation of the act was a thing foreseen and intended; else, why was the act so framed as to have relation to Dissenters, if no danger from them to the church or nation was apprehended? The truth seems to be, that the Dissenters were, *equally with the Papists*, the original objects of the act; and Mr. Alderman Love and his party had the good policy to make a merit of submission to a measure which they had not a sufficient strength of interest to defeat."

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To this preposterous misrepresentation of facts it may suffice to oppose the authority of Bishop Burnet, who, as the transaction happened in *his own times*, may, perhaps, be deemed as likely to be well informed respecting this point as Bishop Horsley. "The House of Commons," says Bishop Burnet, "not content with voting the declaration of indulgence to be illegal, brought in a bill disabling all Papists from holding any employment or place at court; requiring all persons in public trust to receive the Sacrament in a parish church, &c. Great pains were taken by the court to divert this. They proposed that some regard might be had to Protestant Dissenters, and that their meetings might be allowed. By this means they hoped to have set them and the church party into new heats; for now, all were united against Popery. Love, who served for the city of London, and who was himself a Dissenter, saw what ill effects any such quarrels might have; so he moved that an effectual remedy might be found against Popery, and that nothing might interpose till that was done. When that was over, then they would try to deserve some favor. But, at present, they were willing to lie under the severity of the laws rather than clog a more necessary work with their concerns. The chief friends of the sects agreed to this. So a vote passed to bring in a bill in favor of Protestant Dissenters, though

though there was not time enough nor unanimity enough to finish one ~~this~~ session."

"But, whatever might be the object of the Test Act, the *Corporation Act*," as Bishop Horsley triumphantly declares, "was certainly made without any particular reference to Papists, for the express and sole purpose of excluding Dissenters. This fact is so notorious from the history of the times, and from the preamble of the act itself, that the Nonconformists, in their case, pretend not to deny it." No; and the reason is, that *they* think it necessary strictly to adhere to truth, and not to set at defiance decency and reputation.

Such is the gross inequality in the present system of representation in this kingdom, that a majority of the members of the House of Commons are returned by a very inconsiderable part of the community. "And corporations, consisting of a very few persons," as Bishop Sherlock observes, "are represented in Parliament by as many members as the largest county. And this being the constitution, it concerns the whole to take care that corporations be under the government and direction of such as are friends to the whole. Either this is reasonable, or else it is reasonable to affirm that the constitution in church and state ought not to be what the nation likes, but what the towns corporate shall think proper for them." There appears, abstractedly considered,

considered, much plausibility in these observations. The members of the established church far exceeding the Dissidents in point of numbers, it would doubtless be highly inexpedient and absurd to permit, in consequence of the inequality in the representation, the less considerable class to acquire such an ascendancy in the legislature as to expose the Establishment to the hazard of subversion. But whence can so wild an apprehension proceed? It is certain that the number of Dissenters at present sitting in the House of Commons, bears not a just proportion to their numbers in the state. And why, if the Corporation Act were repealed, the Dissenters should be supposed to take immediate possession of all the corporations in the kingdom, or indeed why they should be supposed to acquire any disproportionate influence in the management of them, it is not very easy to comprehend. If, however, any such danger or inconvenience be alleged or pretended, it forms a powerful additional argument in favor of that reform of the national representation, which, *previous to his accession to office*, was so favorite an object with the present minister.

Another argument for the expediency of the repeal has been deduced, as Bishop Horsley goes on to observe, from the absurdity of requiring a stronger security from those who are to execute
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the laws, than from those who are to make them.
 "A greater caution, say the dissentient Peers in the memorable protest before quoted, ought not to be required from such as are admitted into offices, than from the members of the two Houses of Parliament, who are not obliged to receive the Sacrament to enable them to sit in either House." And Bishop Sherlock himself says, and very consistently, as an advocate for a total exclusion of Dissenters from all power and authority, "that it must, upon the least reflection, appear very strange to advance a man to a share in making laws for the nation, and yet to deny him all other power." But Bishop Horsley affirms, by a very extraordinary stretch of candour, in opposition to Bishop Sherlock, that no danger is to be apprehended from Dissenters in Parliament, unless they were to become a majority. A majority in the Upper House they never can become, without such an impolitic enlargement of the peerage as is little to be apprehended. A majority in the House of Commons they never can become, unless the Dissenting interest first gets an ascendancy in corporations. The Corporation Act, by checking the too luxuriant growth of the Dissenting interest; and the prerogative of the crown, by keeping the peerage pure, are, as it were, the tests which severally answer for the principles of either House of Parliament," p. 48, 49. But if the

prerogative of the crown may be relied upon for "keeping the peerage pure," will his Lordship condescend to inform us, why not also for keeping the executive offices of government pure? And as he is pleased to allow, that no danger is to be apprehended from Dissenters in Parliament, unless they become a majority, will this great statesman and prelate farther have the goodness to declare upon his CONSCIENCE, *if the LAWS have happily LEFT his Lordship a CONSCIENCE*, whether, in consequence of the repeal of the Corporation Act, he really believes the Dissenters would become a majority in Parliament, when the highest calculations do not make them amount to one-tenth of the nation. For his Lordship does not even pretend to point out any real mischief, or shadow of mischief, which could possibly arise either to church or state, from admitting a proportionable number of citizens of this description to offices under the government, or to seats in the legislative assemblies. But in truth, were all oppressive restrictions removed, the political influence of the Dissenters is not such as to justify the expectation that they would attain even to that share either of legislative or executive power in the state, which would in any degree correspond with their numbers or property. For the strength of the Dissenting interest lies almost entirely in the middle classes of society, and
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very few amongst them possess opulence or influence so extensive as to awaken in them the ambition of obtaining seats in Parliament, or to furnish them with the means of gratifying it. And for the same reason their share in the executive administration of government would be comparatively trivial, even supposing the most perfect impartiality in the disposal and distribution of offices. If, however, we admit the wild and random supposition, that at some future period manifest symptoms of an absurd and extravagant ambition to acquire an ascendancy in the legislature should appear in the attempts of the Dissenters to engross those corporations which return members to Parliament, it would be very easy, in such supposed but highly improbable circumstances, to devise expedients much more effectual than the present Test, for the purpose of counteracting those visionary and aspiring projects.

This leads us to a third argument for the political expediency of the proposed repeal, which is this:—That the Sacramental Test is not and cannot be an effectual security to the church, because it does not answer the purpose of exclusion. A great proportion of the Dissenters do not scruple occasional conformity to the church, and many of this description are in actual possession of civil offices, and we see that they con-

dust themselves in such public situations with as much propriety as others; that neither danger in the remotest degree to the church, nor the slightest inconvenience to the state, results from their admission. "This argument," says Bishop Horsley, with his usual skill in logic, "only proves the expediency of Queen Anne's statute against occasional conformity, and deserves no farther answer;" *i. e.* because the practice of occasional conformity is found as harmless and even beneficial to the state as it is favorable to individuals, there ought to be a law made on purpose to prevent it. Let those answer this reasoning who think that it deserves an answer. If the statement of the committee, in this instance, needed illustration or enforcement, it might be observed, that the argument resolves itself into this dilemma. Either the church is sufficiently secured from any supposed hostile designs of the Dissenters, by sanctions independent of the Test, or it is not: if it is, the Test is tyrannical and unjust: if it is not, the present Test is obviously incapable of affording that sufficient security. "A broken reed at best, perhaps a spear"—for it is no effectual bar against the admission of Dissenters to the highest offices of the state. In what respect then can it be regarded as a bulwark against the executive magistrate, if the crown should

should be disposed to countenance those hostile designs? And as the Test neither extends to members of Parliament as such, nor to their constituents, of what use is this boasted bulwark, if the attack should be made from this quarter? However imminent the danger, in vain will the church implore protection from the Test. The fact, however, is, that no human institution ever stood less in need of resorting to such miserable expedients for support. But if an effort, even in times the most peaceful and prosperous, is made for the removal of a grievance so flagrantly injurious, and as a measure of defence so palpably useless, let a Sacheverel or a Horsley sound the alarm, and we shall be almost deafened with the clamors of the idiot vulgar of all ranks, "bawling in their senseless mood, that THE CHURCH IS IN DANGER." Nor will such flaming zealots ever think the church in a state of security, so long as those who are the objects of their malevolent and restless jealousy are allowed to possess the smallest share of civil or political authority. Instead of inferring from the inefficacy of the present Test, combined with the peaceable and loyal demeanor of the Dissenters for a century past, the inutility of any Test, Bishop Horsley draws the perverse and absurd conclusion, that it ought to be enforced by harsher and more rigid sanctions. But the Test Laws alone are far from being adequate

to the purpose of securing a monopoly of power. Before the church can enjoy the pious satisfaction of trampling her enemies under her feet, she must recur to the old system of penal statutes, of conventicle acts, and schism bills. All these are parts of one consistent plan; but a Test, unsupported by such measures as these, is calculated, not for any purpose of safety or defence, but merely of irritation. It is a measure not of suppression but of oppression; not of policy, or wisdom, or utility, but of passion, rancour, and revenge.

Before the topic of occasional conformity is dismissed, it may be amusing to observe the critical dilemma to which the Dissenters are reduced with respect to the practice of it. If they scruple occasional conformity, or profess to consider it as in their circumstances unjustifiable or unlawful, the most violent exclamations are immediately raised against them, on account of their illiberal and narrow-minded prejudices, their absurd and obstinate bigotry. Such, it is said, is their rancor and animosity against the church, that not the most powerful motives of interest will prevail with these implacable and dangerous adversaries to join even occasionally in her communion. On the other hand, if they do not scruple occasional conformity, nor think it necessary to reject the temporal advantages annexed to it, they are inveighed against, as a base and sordid people,
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wholly devoid of honor or of rectitude; who from lucrative motives will shamefully evade the law, and join in occasional communion with a church from which they profess to believe it their duty to dissent. In a word, if they do conform they are knaves, and if they do not they are fools. In the mean time it is possible at least that persons, not wholly destitute either of common honesty or common sense, may be divided in opinion as to the lawfulness or propriety of conformity to a church still more immaculate, if any such could be supposed, than even the church of England in circumstances of such peculiarity: though it should seem, that if conformity to the national church be in itself lawful, which few will dispute, the occasional exercise of that liberty, so consonant to the feelings of Christian charity, cannot be rendered unlawful by the acquisition of any temporal advantages which may be incidentally derived from or connected with it.

It remains only to bestow a moment's attention upon the arguments, such as they are, against the repeal, with which this vaunting and vaunted champion of the church concludes his incomparable performance. In the first place, the Dissenters are chargeable, in his Lordship's opinion, with a gross absurdity in applying for relief, because they suffer no actual grievance. No

grievance! What, is it no grievance to be excluded by law from all offices of trust, emolument and authority? No—for the law also exempts the complainants from offices of burden; and Bishop Horsely will undertake to demonstrate mathematically, that “as equal forces acting in opposite directions destroy each other’s separate effects, the immunity on the one hand compensates the inability on the other; and the total effect of the Test Laws upon the body of Dissenters is neither grievance nor advantage; and where no grievance hath taken place, no relief can be afforded.” And thus in asking relief, the Dissenters stand plainly convicted of the absurdity charged upon them by the Bishop. Upon the same principles also it must be presumed that if the present state of things were reversed, and the members of the Establishment were excluded by law from all public offices of emolument and authority, and Dissenters alone deemed qualified to fill the vacant offices with the offices of burden incidentally annexed to them, his Lordship would strenuously maintain, that the Establishment would lose nothing and the Dissenters would gain nothing by this alteration; “for as equal forces acting in opposite directions destroy each other’s separate effects,” the total effect of the change, as his Lordship would *no doubt* be able perfectly to satisfy his friends on the

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the loss of their places, would be neither grievance nor advantage.

But his Lordship has several other arguments to produce nearly as good as this. The repeal of the Test he insinuates to be a violation of the King's Coronation oath: "for to maintain and preserve inviolably the settlement of the church is a part of that oath." It is however a false and shameful imputation upon the church to affirm, that to restore any class of men to their just rights would weaken or impair the settlement of the church. It conveys also by implication a scandalous reflection upon the monarch, who has already given his assent to the repeal of the Test in Ireland.

But this repeal is contrary, as his Lordship pretends, to the Treaty of Union, which makes the Test Act perpetual. This, however, as an historical assertion, is flagrantly false. And it even appears on the Journals of the House of Commons (Vol. xv. p. 283), that a motion made for the express purpose of inserting the Corporation and Test Acts by name in the Treaty of Union, in order to render them irrevocable, was rejected by the House. That any positive human law should be held unalterable by human authority, is a palpable solecism in the theory of government. The Test Act is one of those Acts which concern the kingdom and church of
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England, in contra-distinction to the kingdom and church of Scotland. And if Scotland should, by an injurious and improbable supposition, be imagined capable of degrading herself so far as to insist, that a repeal of the Test Act implicates a violation of the Treaty of Union, England might even, if the act were formally inserted in the Treaty, with the highest propriety reply, that in all *pacta conventa* those conditions which are previously stipulated by either of the contracting parties in its own favor, and in which the interest of the other is not involved, though they are ratified in ever so solemn a manner, are nevertheless alterable with the free consent of the party who is alone interested therein. This is perfectly consonant to the nature of such transactions; for how can either party, with the shadow of justice, complain of any infraction of the original settlement, if no alterations which affect them are admitted but at their own request, or with their own free consent? Or how, with the shadow of reason, can it be pretended, that the free consent of the party interested is not a sufficient warrant for such alteration?

But the crown itself is subject to this Test. And with what decency, asks the Bishop, may subjects solicit a liberty which the constitution hath denied to royalty itself? This is an argument which every Tory will urge with triumph,
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and which every Whig will reject with contempt. There are certainly various restraints to which the supreme magistrate ought to be subject, and from which the subject ought to be exempt. It is highly proper, for obvious reasons, that the supreme magistrate ought to conform to the established religion; and if he does not chuse to wear the crown upon these terms, he is at liberty to resign it. But far from inferring that because the King is liable to this restraint, the people ought to be so too, it would be more reasonable to say, that this restraint is imposed upon the monarch in order to obviate the necessity of imposing it upon the people. ONE is bound that millions may be free. For so long as the monarch is of the established church, no danger can be apprehended from any abuse of the executive power. But Bishop Horsley is of the number of those who hold "the enormous faith of millions made for one." It is well known that the monarch is restrained by law from marrying a Catholic; and if this law also had been extended to the whole community, this most learned and Right Reverend Commentator, this modern Grotius in lawn sleeves, would, no doubt, have defended the justice and equity of the restriction: "for with what decency," he would have said, "may subjects solicit a liberty which

which the constitution hath denied to royalty itself?"

His Lordship's last argument is, "that in the year 1772, when the Dissenting ministers were petitioning Parliament for relief from the subscriptions required by the 1st of William and Mary, public promises were made in the name of the body, that, if gratified in that request, they would esteem their toleration perfect, nor ever extend their views to any farther indulgence. The Dissenters now solicit a repeal of the Test Laws. The strongest assurances, it is said, will be given in the name of the party that, gratified in this request, they never will extend their views to any farther *indulgence*. What security can the Nonconformists give, that they will feel themselves more firmly bound by the promises of 1787 than they are now bound by the promises of 1772? In confirmation of these apprehensions, his Lordship is pleased to refer us to Dr. Kippis's "Vindication of the Application of the Dissenters for an Enlargement of the Toleration Act." But by what authority can any man, however respectable in his private capacity, pretend to make vows and promises in the name and on the behalf of a class of citizens, consisting of many hundred thousand individuals, all free and independent as himself? It would justly be deemed the height of presumption and temerity.

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With this extravagance, however, Dr. Kippis certainly is not chargeable for expressing, in his very able and spirited vindication of the application to Parliament in 1772, the wishes of himself and his reverend brethren, who had taken an active part in that attempt for relief, to return to their former peaceful and professional studies when the object of it should be attained. Doubtless, the sole consideration with every just and equitable government can only be the reasonableness or unreasonableness of the request actually made. And it is an absurdity worthy, indeed, of Bishop Horsley, but not surely to be imputed to the legislature, to refuse a reasonable petition, because it *may* be followed by another which *may* happen to be unreasonable. As to the *indulgences* which his Lordship speaks of, the Dissenters stile them much more properly by the name of *rights*. It would be contemptible hypocrisy to pretend that all temporal honors and emoluments are to them matters of indifference. They are no doubt as willing to share in them as the rest of mankind. And for this they are reproached with inordinate ambition and lust of riches! Those who, like Bishop Sherlock and Bishop Horsley *, affect this language while they

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* It is an unpleasant circumstance, in this discussion, to be compelled so frequently to join together the unequal names of

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are themselves clothed *in purple and fine linen*, lodged in palaces and placed upon thrones amidst the princes of the land, surrounded with all the luxuries that art or nature can supply, forcibly remind one of Father Paul, the fat pampered Friar in the comic opera of the Duenna, who takes upon him to reprove a poor starveling lay brother for his carnal propensities. "What!" says he, "if you hunger, does not the earth produce roots and herbage spontaneously; and, if you thirst, is there not the chrystal spring?"

Upon the whole it appears, to borrow the words of the Lord Bishop of Rochester, p. 55, with a few necessary variations, "that the plea of the Nonconformists, for the repeal of the two acts in question, is valid in every part; that they have a resistless claim upon the gratitude, the justice, and the impartiality of the British government; that their objections to the Sacramental Test, as an application of a religious ordinance to the secular ends of society, and as a snare for

Sherlock and Horsley. The first is, indeed, *clarum et venerabile nomen*, and it ought to be recollected, by those who wish to avail themselves of his authority, that this great Prelate, in his maturer years, so entirely disapproved of the tract he had written on the subject of the Test Laws, that he would not even permit it to be printed with his other works.—Vide Biographia Britannica, Vol. VI.—Also Life of Sherlock prefixed to his Discourses, 6th Edition.

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the consciences of men, are such as evidently demonstrate this Test to be of a nature highly exceptionable; and that the whole weight of argument from political expedience is clearly in their favor."

But however conclusive may be the arguments in support of a repeal of these oppressive and tyrannical laws, there exists a favorite and inexhaustible theme of declamation, admirably calculated to inflame the passions and awaken the terrors of the vulgar, by the aid of which the advocates of persecution endeavor to varnish over the weakness, or rather the infamy of their cause. It is said, that in the last century the constitution, both in church and state, was actually subverted by the Nonconformists; and that if they are ever entrusted with power, experience shews the use that will certainly be made of it, and the ruinous consequences that may be expected to ensue, "The sectaries," as we are told by the Bishop of Rochester, "beheld, under the restored monarchy, the renovation of the splendor of the church with an evil and malignant eye. And how closely the safety of the King and the constitution, and the peace of the kingdom, were connected with the preservation of the church, the late troubles had sufficiently shewn." And he boldly affirms, "that the spirit of the Solemn League and Covenant still breathes in
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their writings and animates their conduct. And that if these two buttresses," as he styles them, "of the national church, The Corporation and Test Acts, were removed, its very existence would depend upon the zeal and cunning of the Nonconformists to improve the opportunities of effecting its ruin."

In reply to all the pompous and tragical declamation of this sort with which his Lordship has so lavishly embellished his pamphlet, it will be sufficient to state a few unadorned historical facts, which may, perhaps, be of some use to calm the minds, and allay the apprehensions of those timorous mortals who shudder at the phantom of danger conjured up by these magic sounds; and who really fancy that when the state ceases to be unjust, the church must be inevitably undone.

It is certain that when the last Parliament of King Charles I. was convened, in the year 1640, the nation, inflamed by the violence of the Laudian persecution, and the detestable barbarities of the Ecclesiastical Court of High Commission, entertained very strong prejudices against the hierarchy. But Lord Clarendon himself admits that the abolition of episcopacy was not originally in the contemplation of this Parliament, but merely a reduction of its powers. When, in the course of the war, the assistance of Scotland became indispensably necessary, that assembly,

bly, actuated much more by political than religious motives, did indeed adopt the Solemn League and Covenant: and at the Treaty of Uxbridge the Parliamentary Commissioners, for the first time, insisted on the abolition of Episcopacy; and at the Treaty of Newport this demand was renewed in terms still more peremptory. So little, however, were the safety of the King and the peace of the kingdom necessarily connected with the preservation of Episcopacy, that it was, in fact, the King's obstinate predilection for Episcopacy which was the immediate cause of the ruin of both. For CROMWELL, taking advantage of the long and vehement altercations which took place on this comparatively uninteresting and unimportant subject, marched his forces to the metropolis, and by acts of the most atrocious and detestable violence traitorously subverted the authority of the Parliament, seized the person of the King, and after the mockery of a trial, caused him, to the astonishment of the world, and the terror of future tyrants, to suffer the sentence of death by the hands of a public executioner. This was the man who, at the head of an army of enthusiasts and fanatics, passionately devoted to their leader, effected the subversion of the constitution, and not the Presbyterians; who, when they directed the resolutions of the House of Commons, under circumstances of great difficulty and danger,

acted with wisdom, probity, and moderation; who were anxious to effect an accommodation with the King upon terms as favorable to the monarch as they conceived that a just regard to the rights, the liberties, and the safety of the nation would admit; who magnanimously resolved, in the true spirit of Roman patriotism, at the very moment that the House in which they sat was surrounded with hostile armaments, and the sword was suspended over their heads by a single hair, "that the King's concessions were a sufficient foundation for Parliament to proceed upon in the settlement of the kingdom;" and who, after the death of the usurper, at length accomplished the restoration of the monarch and the monarchy. For that the Presbyterian interest predominated in the Convention Parliament, no one, Bishop Horley perhaps excepted, will venture to deny.

For which of all these transactions are the descendants of these virtuous citizens, of Hollis, of Waller, of Maynard, and of Annesley, to be divested of the privileges of citizens? The proposed abolition of Episcopacy, when the Presbyterians constituted a majority of the Parliament and of the nation, was a measure perfectly agreeable to the genius and spirit of a free constitution, which knows nothing of divine or indefeasible rights. And it was justified on every principle of policy, not merely by a retrospect

to those barbarities which had rendered the hierarchy odious to the nation, but by the necessity of conciliating the friendship and alliance of the Scottish nation, which entertained the fanatical idea that prelacy was an horrible enormity, and anti-christian abomination. But the Bishop of Rochester is eager to tell us that the present race of Nonconformists are actuated by the spirit not of the old Presbyterians, but of the Independents and other enthusiastic and democratic sectaries, who were the determined enemies of monarchy, and the zealous supporters of the usurpation of Cromwell. This, however, is an allegation unsupported by the shadow of evidence, and contradicted by the whole tenor of our history. The race of republicans, a few philosophical theorists excepted, amongst whom the celebrated Hume may be classed, has long been extinct: and it is a notorious and incontrovertible fact, that the English constitution is as highly valued by English Dissenters as by English Churchmen. And if the Dissenters have not yet given satisfactory proofs of their attachment to it, they would doubtless esteem themselves happy to be informed what proofs would be deemed satisfactory*. If it be said that conformity to the

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* By the execrable policy of the present reign, and more particularly of the present minister, the spirit of republican-

church is the only satisfactory proof of loyalty to the state, they reply, that they exercise one of the constitutional privileges of Englishmen, allowed and recognized as such by the state, in dissenting from the church; and to accuse them, upon this account, of disloyalty to the state, is a gross and palpable absurdity. And they say, moreover, that conformity to the church cannot be a satisfactory proof of loyalty to the state; because it happens to be perfectly well known, that the church itself, as distinguished from all the secular classes of the community, was, for a long series after the final establishment of our present constitution by the glorious Revolution, the most dangerous, inveterate, and determined enemy of the state. Cease, then, ye malevolent and senseless bigots! to reproach the Nonconformists with the disloyalty and rebellion of those for whose actions they are no more responsible than for the treasons of Wat Tyler or Jack Straw. And let the church give better and more decisive proofs than she has done in times past, of her own loyalty to the state, before she presumes to make conformity to her rites and ceremonies the infallible criterion of that loyalty in others.

ism has, indeed, revived with fresh vigour: and folly has kindled a flame which the utmost efforts of wisdom will find it extremely difficult, if not absolutely impossible to extinguish.

ESSAY XXIV.

ON GOVERNMENT AND CIVIL LIBERTY.

AN elegant modern writer, to whom the world is indebted for a striking, and in some respects a just view of the internal evidence of Christianity, has been pleased also, in a late Volume of Disquisitions, to communicate to the public his sentiments on Government and Civil Liberty; which, considering the present advanced state of knowledge relative to those topics, are, it must be confessed, very extraordinary. He allows that "the subject has been much hackneyed;" but he is induced to take up his pen in order to expose and confute "those false and mischievous principles which," he says, "have of late been disseminated with unusual industry, and are as inconsistent with common sense as with all human society, and which happily require nothing more than to be fairly stated to be refuted." Who would not have supposed, from this preface, that attempts had been made to revive the exploded systems of Hobbes or Filmer; and that Mr. Jenyns, moved with just indignation to see the simple and rational

principles of Mr. Locke again called in question, after their authority seemed to be finally established by a prescription of almost a century, had determined to employ his eloquence and sagacity in their support. How great, then, must be our astonishment, when we discover that the principles which appear to Mr. Jenyns so full of absurdity and mischief, and which disturb his mind with such alarming apprehensions, are no other than the principles of Mr. Locke himself, and of his most distinguished followers. And it is remarkable, that though, in the opinion of Mr. Jenyns they require no other refutation than to be fairly stated, they have been gradually gaining ground not in England only, but throughout Europe; ever since Mr. Locke, in consequence of the ever memorable Revolution, was employed in the very act of refutation referred to by Mr. Jenyns.

The first of these monstrous positions in this—
That all men are born equal. Here Mr. Jenyns has the candor to make a voluntary concession. He allows that there is a sense in which it may be true: and if it means only, *that all men are equally born*, he will not take upon him to dispute the truth of it. Of this, however, Mr. Jenyns is positive, “that in every other sense it must be false; for some are born beautiful and healthy, and some with bodies distorted and diseased;
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some with minds fraught with the seeds of wisdom and genius, others with those of idiotism and madness; some are born to affluence and honor, others to labour and poverty." Now how such persons can be said to be born equal, meaning, no doubt, in the instances specified, Mr. Jenyns despairs, and who, indeed, would not despair of being able to comprehend? But by asserting the natural equality of mankind, Mr. Locke meant, perhaps, nothing more than to intimate that all the distinctions of rank and power which prevail in civil society are artificial distinctions; that unless founded upon the basis of public utility, they are violations of natural right. Who, or where is the man vested with inherent authority? or what can that species of civil or political authority be, which he does not derive from the community of which he is a member? And to that community he must consequently be responsible for the just and proper exercise of it. "But supposing," says Mr. Jenyns, "that they were all born equal, would this prove, what is *always* intended to be proved by it, that they ought always to continue so?" Here Mr. Jenyns is chargeable with a trifling inaccuracy. Instead of *always* intended, truth required him to say *never* intended: and this amendment may supersede the necessity of an answer to the question, which he seems to put

with some degree of triumph. No one ever yet inferred, from the natural equality of mankind, that civil and political distinctions were unlawful or unjust. But Mr. Jenyns, perhaps, thought that as general rules admit of some exceptions, the principles of Mr. Locke, in this instance at least, admitted of a better refutation by being unfairly than even by being fairly stated.

But, 2dly, another position as monstrous as the former is, "that all men are born free." This, Mr. Jenyns affirms, is so far from being true, that the first infringement of this liberty is being born at all, which is imposed upon them without their consent given, either by themselves or their representatives. Now here this great politician falls into a second error similar to the former. And as by all men being born equal, can be rationally meant nothing more than that all men were equally born, so by all men being born free, we are to understand only that all men are freely born. But this ingenious explanation is offered merely to be opposed. "How can a man," Mr. Jenyns disdainfully exclaims, "be born free, who during the first nine months of his existence is confined in a dark and sultry prison, debarred from light and air, till at length by an *Habeas Corpus*, brought by the hand of some kind deliverer, he is set at liberty. And what kind of liberty does he then enjoy? He is bound
hand

hand and foot, and fed upon bread and water for as long a period. He is afterwards placed in a state of the severest discipline, first under a nurse and then a schoolmaster, both equally tyrannical in their several departments. In this state of slavery he continues till he commences involuntary subject of some civil government, to whose authority he must submit, however ingeniously he may dispute her right, or be justly hanged for disobedience; and this is the sum total of human liberty." Now if Mr. Locke meant to assert that man, by the constitution of his nature, has a free option whether he will be born or not, or that he can be considered as in any sense a free and independent being, during his close confinement in that dark and sultry prison to which Mr. Jenyns alludes, it would be labour lost to attempt his defence. As for nurses, schoolmasters, and we may add kings, Mr. Locke certainly did not wish to deny that they were, generally speaking, tyrants in their several departments. Nor did he attempt to insinuate that flogging would not be the probable consequence of resistance in the one case, or hanging in the other. Nay he was far from denying that these punishments might be even justly dispensed. All that he pretended to shew was, that the authority of the great and of the petty tyrant stood upon the same general foundation; that as there was no natural distinc-

distinction between the scholars and the school-master, so there was just as little between the monarch and his subjects. As the schoolmaster was not born with an inherent right of flogging, so the monarch was not born with an inherent right of hanging, but that all were born equal and free; *i. e.* that no one man had a right to assume a power of controlling or punishing another. But it did not follow, at least Mr. Locke did not seem to suspect that it followed from thence, that it was not lawful or expedient for the community to invest certain individuals with different degrees of power, which they would be under an indispensable obligation, arising from the nature of the trust, to exercise for the benefit and advantage of the society to which they belonged, and to that society they must be ultimately responsible for the due and faithful execution of it.

3dly, We now proceed to the discussion of another shocking maxim, or principle, false, mischievous, inconsistent with common sense, and subversive of all civil society—viz. “That all government is derived from the people.” There is, indeed, a sense in which Mr. Jenyns admits even this maxim to be true. “It is true,” says he, “that all government is so far derived from the people, that there could be no government if there were no people to be governed.”

How

How great are the obligations of an author to a sagacious and able commentator! According to the new interpretation of this famous maxim, a monarch derives his authority from the people exactly in the same manner in which a shepherd derives his power from his flock; if there were no subjects there could be no king; if there were no sheep there could be no shepherd. If the admirers of Mr. Locke could so far lay aside their prejudices as to acquiesce in this interpretation, so natural and easy, how effectually would it preclude all animosities and contentions respecting the theory and foundation of government. For Hobbes, Filmer, and Mandeville themselves would not have the effrontery to deny, that in this sense the axiom was unquestionably just. The fame of Mr. Locke would also be greatly advanced by this means; for unfashionable as his principles may now seem, when once they were discovered to be capable of so liberal an interpretation, Kings and Princes would vie with each other in doing honor to his memory: his works might adorn the library of Fez, and his statue be erected at Constantinople by command of the Grand Seignor.

After all, there is a sense which Mr. Locke might, perhaps, have more immediately in his view, and which may not, to every apprehension, carry its own refutation along with it." *All government.*

vernment is derived from the people, i. e. All persons possessing civil authority, whatever be the form of government, may be considered as holding their offices either actually or virtually from the choice and designation of the people. In other words, government is a trust delegated from some particular community to certain individuals for the general good and welfare of that community. It follows, that when that trust is abused, the people have a right to resume it, and to provide for their own safety in whatever manner they shall deem most eligible. Now, that there is some plausibility in this account, appears pretty evident from this consideration; that no other rational or intelligible origin can be assigned to it. For to say that government derives its origin from force, is quite beside the purpose. Mr. Locke is professedly treating of just, lawful, and equitable government. If any government chooses to found its authority upon force, that government, in effect, proclaims war against its own subjects; and resistance, from that moment, becomes not only lawful, but meritorious. For any government to pretend to derive its authority immediately from God, is to add impiety to folly. God wills the general happiness, and government is no otherwise an ordinance of God than as it is calculated to promote the welfare of mankind. No one can plead "a right divine to govern

govern wrong." To refer government ultimately to God, is the same thing as to refer it to general utility, which is the basis on which Mr. Locke endeavors to fix it. Submission to civil as well as parental authority is, indeed, commanded in scripture without specifying any particular exceptions; certainly not because these general rules do not admit of exceptions, but because common sense is sufficient to point them out without the assistance of an apostolic canon.

Mr. Jenyns contends, however, that "whatever right of control and resumption the people may possess, the exercise of this right is wholly impracticable from the very nature of government; for all government must consist of the governors and the governed. If the people at large are the governors, who shall be the governed? All government is power with which some are intrusted to control the actions of others; but how is it possible that every man should have a power to control the actions of every man? This would be a form of government in which all are governed by all: that is, in other words, where there is no government at all." How might it puzzle a plain man to reply to these elaborate and profound arguments, which seem so clearly to demonstrate that it is absolutely impracticable in the nature of things for the people to call their governors to account, and to punish them for mal-

mal-administration, if we fortunately had not plain matter of fact to appeal to in this case; and in imitation of the immortal Chillingworth, who on a well-known occasion thought it sufficient, in answer to all that his antagonist could urge, to cry out, "the Bible! the Bible! the Bible!" we may in the present instance content ourselves with exclaiming, "the Revolution! the Revolution! the Revolution!"

Mr. Jenyns proceeds to make the following very extraordinary declaration. "I agree with these *pretended patriots*, that the people in every country have a right to resist manifest grievances and oppressions, to change their governors, and even their constitutions, on great and extraordinary occasions; whenever they groan under the rod of tyranny they have a right to shake it off, and form a constitution more productive of liberty." Amazing! Can it be Mr. Jenyns who makes these assertions? Why Sir, Mr. Locke himself never broached a more false, mischievous and dangerous doctrine upon the subject of government than this. It contains indeed the very quintessence of all that Locke, Molyneux, Priestley and Price have said upon this topic. Who could have thought that Mr. Jenyns should be found at last to agree with these "pretended patriots" in this fundamental article of their political creed? It must be owned, indeed,

deed, that Mr. Jenyns seems to agree with these pretenders to patriotifm in this matter better than with himfelf: for at no greater diftance than a page or two preceding this declaration he peremptorily afferts, “ that to fubmit, or be juftly hanged for difobedience, is the fum total of human liberty; that it is utterly falfe that the people have an inherent right of refuming the government; and that the exercife of this right, if they had any juft claim to it, is wholly impracticable.” So that, upon the whole, we fee that it is the deliberate opinion of Mr. Jenyns, with which he has judged it proper to acquaint the whole world, that the people poffefs a right which they have no right to poffefs, and that they may lawfully and properly exercife a power which they have no power to exercife.

The obfervations alfo which Mr. Jenyns makes upon the definition of the term *people* are very fagacious, and he animadverts with the moft juft and pointed feverity upon thofe men, who audacioufly affert, “ that the Peers of the Realm, the Representatives of the Nation, the Paftors of the Church, the Sages of the Law, and the whole body of Magiftrates do not come within the meaning of the term—men who think that Solons and Lycurgufes are to be found only in tin-mines or coal-pits”—who defcend into the bowels of the earth, not in fearch of wealth, it

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seems, but of wisdom; resolving, with the presumption of Polonius, "to find where truth is hid, though it were hid indeed within the centre." "These are not the men," says Mr. Jenyns very cautiously and prudently, "whom I should chuse to trust with unlimited power." And they must certainly be regarded as the more dangerous, on account of the astonishing secrecy with which they disseminate their sentiments and carry on their designs: insomuch that it was not at all suspected that there were any such men in existence, till the discovery was made by Mr. Jenyns. Happy for us that his warning voice has sounded in our ears, "Let no such men be trusted."

It is now high time to pass on to the 4th Proposition; viz. that all government is a compact between the governors and the governed. Now it may be remarked, that as all the positions which Mr. Jenyns has undertaken to confute, confute themselves when fairly stated, it would not have been good policy by any means in Mr. Jenyns to aim at making a fair statement of them, which would of course leave nothing for him to do. Whereas by indulging in a liberty of misrepresentation, for which great authorities may be pleaded, he has acquired abundant scope for ingenious ridicule as well as serious argument. Thus in the present case we may observe, that
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Mr. Jenyns affects to consider Locke, and the rest of the pretended patriots whose principles he opposes, as maintaining, "that at some remote period a formal agreement was actually entered into by the two contracting parties, by which the latter gave up a part of their natural independence in exchange for protection granted to the former; without which voluntary surrender no one man or body of men could have a right to control the actions of another. But all this," says he, "is a ridiculous fiction, intended only to subvert all government, and let mankind loose to prey upon each other." Mr. Jenyns best knows what purpose this "ridiculous fiction" was intended to answer; but those pretenders to patriotism who inculcate the doctrine of a political compact mean by it nothing more, than that the relative situation of the governors and governed in every civil community necessarily partakes of the nature of a compact. There is an original, a virtual, an implied compact subsisting between the two parties, and which must ever continue to subsist. The two grand conditions of this compact, and which constitute the reciprocity of it, are on the one side protection and on the other obedience. It is from the very nature of the case as essentially binding on the two parties, as if it had been executed with all the formalities of an agreement between two individuals.

dividuals. Obedience can never be due where protection is previously withdrawn; neither can protection be due where obedience is causelessly withheld. "But," says Mr. Jenyns, "compact is repugnant to the very nature of government, whose essence is compulsion, and which originates always from necessity, and never from choice or compact; and it is the most egregious absurdity to reason from the supposed rights of nature in an imaginary state of nature—a state the most unnatural, because in such a state they never did or can subsist, or were ever designed for." Now with all due deference to the opinions of this ingenious writer, compact is so far from being repugnant to the nature of government, that it is essential to the idea of an equitable and legitimate government. If the essence of government is compulsion, in what does the essence of tyranny consist? That a certain degree of coercion must be exercised by every government, in order to secure the salutary and beneficial purposes of government, cannot be disputed: but the essence of government is not therefore compulsion, but protection; *i. e.* protection is the sole end and object of government: compulsion being entirely subordinate to it, and no otherwise justifiable or admissible, than as it is capable of being made subservient in some mode or other to the advancement of that end.

Again,

Again, "government," says Mr. Jenyns, "originates always from necessity, and never from choice or compact." If by necessity he means only a political necessity, or an urgent and obvious want of some common bond of union to maintain peace and order in society, no one denies it: but then such a necessity is very consistent with such a virtual compact as Mr. Locke contends for, nay it implies it. For this necessity is either only another term for public utility, or, not to descend to scholastic cavil, it arises from and is founded wholly upon it. Therefore if that government which is founded upon public utility implies that certain conditions are to be observed, the government that is founded upon political necessity implies exactly as much; the distinction is merely verbal. But if Mr. Jenyns means by necessity lawless force, then the idea of a compact is indeed excluded. Should any sovereign presume to assert such a claim, there is no other remedy than to oppose force to force. "If he has risen by force, then force must pull him down." "But it is a most egregious absurdity," says Mr. Jenyns, "to reason from the *supposed* rights of mankind in an imaginary state of nature," &c. If, however, these *supposed* rights are real rights, it can never be absurd to reason from them. On the contrary, this is a very natural, easy and satisfactory way of ana-

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lyzing the complex idea of government, and of reducing it to its original principles. What should we think of a mathematician who should object to Sir Isaac Newton's demonstration of the theory of gravitation, because it is ultimately founded upon a few self-evident axioms? With just as much reason does Mr. Jenyns object to Mr. Locke and others, that their system is founded on certain supposed abstract truths. It is as true that all men are born equal in respect to their rights, as that all the parts are equal to the whole: and Mr. Locke is as much at liberty to argue from the former axiom as Sir Isaac Newton from the latter. And it is no more necessary for one philosopher to shew that men ever actually existed in a state of equality, than for the other to prove that a whole was ever actually divided into parts.

The 5th and last of these false, mischievous, and absurd propositions, which Mr. Jenyns has for the benefit of mankind undertaken to refute, lest the refutation which arises from a simple statement of them should fail to produce universal conviction, is this—"that no government ought to subsist any longer, than it continues to be of equal advantage to the governed as to the governors." Mr. Jenyns's reason and understanding seem to suffer as rude a shock from this maxim as from any of the former. "If this proposition," says he, "is adopted, and by advantage,

vantage, wealth and power are to be understood, there is an end of all government at once; for the greatest share of these must be possessed by the governors. On this principle, therefore, the governed would have a perpetual right of resisting, and every government ought to be dissolved at the moment of its commencement." Here then Mr. Locke and his friends are reduced to a most perplexing and perilous dilemma. Either they must submit to the disgrace of retracting one of their favorite and fundamental maxims; or they must acknowledge that the theory they adopt leads to an absolute subversion of all government, and authorizes and establishes, to use Mr. Jenyns's own words, "a system of anarchy." But on *deep reflection* it may be conjectured, that when Mr. Locke, or any other writer professing his principles, asserted that no government ought to subsist any longer than it continues to be of equal advantage to the governed as to the governors; their meaning might possibly be, not that the governed ought to possess wealth and power equal to the governors, but that those wise and beneficial purposes for which government was instituted ought to be extended no less to the governed than to the governors: that governors should act upon this just and equitable principle, that it is as truly incumbent upon them to provide for the ease, happiness and se-

curity of the meanest class of rustics, as of the highest rank of nobles; that if any individual entrusted with the powers of government were so lost to common sense and common decency as to profess "the enormous faith of millions made for one:" if he could possibly be so ignorant of, or so far forget the nature of his office and the obligations arising from it, as to suppose that his own personal aggrandizement, or the gratification of his ambition, his pride, or his revenge, were the objects for the sake of which his fellow mortals, born his equals, entrusted him with power; or if he demonstrated by his conduct that he regarded his subjects as abject wretches, not possessed of any natural rights, nor entitled to claim legal protection as the reward of legal obedience; then that government ought no longer to subsist; the compact is broken, and the obligations arising from it are dissolved; the people have a right to resume the powers of government, and to chuse new governors, who shall be better disposed or better qualified to fulfil the important duties of their respective stations.

This seems the best interpretation which can be put upon the false, dangerous, and destructive maxim in question. And though Mr. Jenyns may insist, that when thus fairly stated it confutes itself, it may be alleged, in behalf of
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Mr. Locke, that our present happy constitution and government are founded upon this very maxim. The government under whose protection and patronage Mr. Locke wrote, was established upon the ruins of a former government, which was not suffered any longer to subsist, because the mutual obligations arising from the compact between the governors and the governed had sustained the most gross and flagrant violation. And though the new government was so imprudent as to make choice of a vindicator whose first principles and fundamental maxims are "false, absurd, and impracticable," yet in one respect both parties may be deemed eminently happy, that notwithstanding these maxims and these principles lie so extremely open to confutation, they have never yet been, and without the most distant pretence to inspiration, it will be no presumption to prophesy, that they never will be *actually confuted*.

Having vindicated Mr. Locke's principles of government from the formidable charges brought against them by Mr. Jenyns, with all the ability as well as gravity which the strength of the attack seemed to require, it now remains to point out and guard against certain unwarrantable and dangerous inferences and deductions which have,

and frequently with the purest intentions, been made from Mr. Locke's principles.

A very able and excellent pamphlet, published at the commencement of the late war with America, and bearing the name of a most respectable man, who has equally and honorably distinguished himself in the different capacities of a divine, a philosopher, and a politician, contains a variety of remarks on the nature of civil liberty, upon which it may be of use, in this view, to offer some impartial strictures.

Liberty is a term of very comprehensive import; and the celebrated author referred to, Dr. Price, chuses to consider it under four general divisions. First, Physical Liberty; by which he means the principle of spontaneity. Secondly, Moral Liberty; or a freedom from the internal control or dominion of vice. Thirdly, Religious Liberty; or a freedom from external constraint in matters of conscience; and Fourthly, Civil Liberty; which he defines to be the power of a civil society or state to govern itself by its own discretion, without being subject to the impositions of any extraneous will or power.

It is very observable, that civil liberty, according to the definition here given of it, however just that definition may be when applied to a state or civil community, is not at all analogous to the other kinds of liberty here enumerated,

rated, which are entirely of a personal nature : and the argument is consequently embarrassed by not sufficiently distinguishing between that species of liberty which belongs to a state, and that which is the right of a simple individual. Civil liberty, in the latter sense, is, according to the accurate definition of Archdeacon Paley, " the not being restrained by any law but what conduces in a greater degree to the public welfare." But the restraints which the public welfare indispensably requires are so numerous and important, that the liberty of the individual must be extremely circumscribed in comparison of that of the community. It is not necessary to enter into the question, whether one state or community may lawfully exercise authority over another ; or to what limitations such authority ought to be subject. The purpose of these remarks is simply to shew, that civil liberty, considered as a personal right, is incapable of being enjoyed in that extensive and romantic sense for which Dr. Price seems to contend.

If the enjoyment of civil liberty is, as Dr. Price asserts, and all allow, what every man has a right to claim, it must be of some importance to ascertain in what that liberty consists. Dr. Price seems to imagine that liberty consists in a man's actually sharing in the powers of government, either in his own person or in the person of
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his representative; the right of universal suffrage being, as he expressly says, essential to perfect liberty. Others more guardedly maintain, that liberty consists in a total exemption from all unnecessary restraint; and that power is no otherwise desirable than as it contributes to the security of liberty. It is very certain, indeed, that a degree of power is absolutely necessary for the accomplishment of that purpose; and a government administered by the representatives of the people is, on this account, only preferable to a despotic government, because under such a government there is a moral certainty that liberty will be better promoted and secured. Civil liberty is a natural indefeasible right; but no particular form of government can pretend to stand upon such a foundation. Government is an institution for the benefit of the people governed; and that form of government which best conduces to the advancement of the public happiness is the best government, whether it be monarchical, aristocratical, or democratical; and different nations, in different states of society, may require very different modes and forms of government. But if liberty consists in a man's being his own legislator, then all forms of government but that of a pure democracy are unlawful. Dr. Price allows, indeed, that there may be the best reasons for joining to a popular assembly

sembly an hereditary council and a supreme executive magistrate; but what reasons can there be which will authorize a violation of the first principles of liberty? For if perfect liberty consists in a participation of the powers of government by a delegation to a body of representatives chosen for a short term, and subject to the instructions of their constituents, the establishment of an hereditary legislative council, invested with equal, or nearly equal powers, must be a flagrant encroachment on liberty; and the negative voice of a single individual upon the resolutions of the representative body must be absolutely irreconcilable with the faintest image of it.

Again—if the essence of liberty consists in a man's being empowered to give his suffrage on public measures, either personally or by the intervention of a representative, then it follows that those who do not actually enjoy this privilege, and who constitute a very great majority even in this country of freedom, are in a state of slavery; and the female sex in particular, not a single individual of which is allowed to exercise this right, has no more reason to boast of its liberty in England than in Persia or Turkey. If Dr. Price's definition of liberty conveys the true idea of it, these objections will no doubt admit of a clear and easy solution. But if this solution is not to be

be found, it must be acknowledged that the theory of Dr. Price involves in it an error of great magnitude, in making liberty to consist in power, and what is still more exceptionable, in a particular mode of exercising that power. If, on the contrary, liberty consists in a total exemption from every species and degree of restraint which the public welfare does not render necessary, then we may with propriety proceed to consider under what form of government we may reasonably expect that this inestimable privilege will be best secured. And 1st, It is certain that liberty will never be advanced to its just and proper extent under any other than a popular government—and 2^{dly}, Should this be supposed possible, it is equally certain that no dependence could be placed on the permanent possession of it. Our experience of human nature does not permit us even to hope for such a succession of wise, just, and beneficent princes as would effectually secure this system of liberty from the danger of violation. A country, therefore, under the absolute government even of a Lewis XII. or an Henry IV. may be said, in a sense not remote from truth, to be enslaved, even supposing the forms of a free constitution to be preserved and the blessings of liberty actually enjoyed. A nation which depends for the continuance of its political happiness and enjoyment of its civil pri-

privileges upon the will of one man is in a state of bondage, however mildly or beneficently the despot may exercise his authority.

Montesquieu truly affirms, "that the power of the people is not the liberty of the people;" but Dr. Price expressly argues upon the contrary supposition, and seems to consider liberty as only another word for power. So far as the individuals of any community are admitted to participate, either personally or by representation, in the management and direction of public affairs, so far and no farther are they possessed of liberty. If the truth of this position be admitted, Dr. Price may indeed with some appearance of reason brand the English constitution as a system of slavery. It is most certainly not the end or object of this constitution, so justly celebrated, to invest all the members of the community, or even a majority of them, with that species of power, and much less with that right of control in which Dr. Price makes liberty to consist; but merely to secure the salutary and beneficial purposes of government by the most efficacious means.

By allotting to a popular assembly the principal share of legislative authority, the interests of the governors are inseparably blended with those of the governed; and thus, as Dr. Price himself elsewhere observes, "it is impossible the represented part should subject the unrepresented
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part to arbitrary power without including themselves." By establishing another distinct hereditary body of legislators, consisting of men of the first rank, influence, and opulence, a firm barrier is presented against the sudden and dangerous irruptions of democratic violence. Placed above the reach of vulgar prejudices, and free from the contagion of popular delusion, such an institution is calculated to add wisdom, stability, and dignity, to the measures of government; and the executive power is placed entire in the hands of a single individual, in order that the measures agreed upon may be carried into effect with promptitude and vigor. And this great magistrate is allowed a negative upon the resolutions of the other two branches of the legislative body, that he may be enabled to resist any encroachments which the lust of power, inherent in human nature, might induce them to make on his constitutional prerogative. This is an original and very wise plan of polity; and when compared with the different forms of government adopted by the free states of antiquity, or those which at present subsist, its superiority is so great and manifest, that it cannot but excite emotions of surprize and admiration*. To judge of the

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* At the time this Essay was originally published the American Republic did not exist in its present improved form:
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excellence of this constitution by its conformity to that ideal plan of perfect liberty which a speculative statesman may frame in his own closet, would be romantic absurdity. The grand enquiry is this—Does that form of government under which we live, or does it not, secure to us the full and permanent enjoyment of those rights which we may justly claim in a state of civil society? Dr. Price, in the ardor of his zeal, will, without hesitation, answer in the negative: “for the persons to whom the trust of government is committed are chosen for long terms; they are chosen by a part of the people only; they are subject to no control from their constituents; and there is an higher will on which even these mock representatives depend. So that the very idea of liberty is lost; and it is an abuse of language to retain the term.”

Notwithstanding the animation and eloquence of this declaration, it still remains an incontestible fact that, from the æra of the Revolution, when the key-stone was put to this “Arch of Empire,” liberty, both civil and religious, has been enjoyed by the inhabitants of these kingdoms in a degree far superior to any thing known or even

and the Gallic and Cisalpine Republics had no existence at all. Of the two latter it would be premature to form any decided opinion till the revolutionary crisis is past. In theory they appear admirably just and equitable.

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imagined in any former age or country. Under this government no sacrifice has been made in any instance of our fundamental rights; but, on the contrary, they have received several very signal and important confirmations*. If the representative body is chosen by a part of the nation only, that part is sufficiently numerous to secure an inseparable union of interests between the representatives and the people at large, which is the only real use of representation. If the representatives, when chosen, are subject to no control from their constituents, such freedom from control is necessary to give dignity and efficiency to their proceedings; and an appeal to the people, upon every political question that might arise, would be productive of every species of faction, anarchy, and confusion. As to the *higher will* on which the representative body is supposed to depend, it is essential to the firm and permanent duration of the authority of the executive magistrate that he should possess a certain degree of influence over the legislative body. The constitution has, indeed, given him a negative upon their resolutions. But by virtue of that

* It will be recollected that this Essay was written at an early and auspicious period of the administration of Mr. Pitt, and long before that apostate minister had rendered himself the object of astonishment, detestation and terror, to the true and genuine friends of liberty and the constitution.

branch of his prerogative alone, he would be very ill able to withstand the continual efforts by which a natural love of power would infallibly and insensibly incite that formidable body to assail or undermine his authority. Interest must be opposed to interest, and the sole disposal of the honors and emoluments of the state, for this amongst other important reasons, is placed in the hands of the supreme magistrate, that he may be enabled to check the irregular or exorbitant ambition of the legislative assemblies, by opposing the private interest of the individuals who compose them to the public and collective interest of the body. And though it is impossible in this, as in a thousand other cases, to draw a precise line, and to say, with respect to the regal influence, thus far it ought to extend and no farther, yet nothing can be more obvious than that the total abolition of this influence, dangerous as its too great predominance must be deemed, would amount to no less than an absolute subversion of the constitution.

ESSAY XXV.

REFLECTIONS ON THE FRENCH REVOLUTION.

THE last sparks of the flame of liberty in France seem to have been extinguished by Cardinal Richelieu in the capture of Rochelle, and the final reduction of the Protestants. And in the succeeding reign it is well known how low the national character was sunk and degraded by the incense and adulation offered at the shrine of an ambitious and imperious despot. The glorious and successful resistance of England to the tyranny of the House of Stuart at that period seemed to make little impression upon the minds of the French. All public duties and civil obligations were supposed to be comprehended in the term *loyalty*; and the abdicated monarch of Great Britain was regarded in France as a sovereign unjustly and iniquitously divested of his crown by a treasonable conspiracy of his heretical and rebellious subjects. The efforts made by Louis XIV. to restore that wretched bigot to the throne of these kingdoms, met with the universal applause and approbation of his people,
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who considered them as acts of the most exalted heroism.

During the whole of that reign, and for many years afterwards, no symptoms appeared of any considerable change in the public system of thinking. When the Duke of Orleans, Regent of France, was urged to correct some of the more flagrant abuses in the state, he replied, "I am ready for reformation, but the age I live in is not." And it was about the middle of the century that the dawn of a new and more enlightened æra was first discernible in the opposition of divers of the Parliaments to the arbitrary mandates of the monarch. The times, however, were unfavorable to the success of their efforts; which were not, perhaps, directed by the dictates of sound policy, so much as by the impulse of passion and resentment. And, before the conclusion of the reign of the late King, every prospect of a melioration of the constitution or a reform in the state seemed totally blasted, by not merely the suspension or banishment, but the absolute annihilation of the Parliament of Paris, in consequence of reiterated acts of disobedience to the royal authority; and the substitution of a new court wholly dependent upon the crown.

At the accession of the present sovereign, however, who was anxious to acquire the confidence and affection of his people, which his predecessor

had so justly forfeited by the tyranny of his public and the profligacy of his private conduct, the Parliament of Paris was restored, and with it the hopes of the enlightened part of the nation revived. And though severe restrictions were imposed upon that Assembly by the new monarch, they soon demonstrated by their conduct that they were fully sensible of their own dignity and importance, and resolutely determined to preserve their rights and privileges sacred and inviolate. The fact was, that a mighty revolution had now taken place in the minds of men, and they well knew that their opposition to the oppressive measures of the court would meet with the highest applause and the most zealous support from the nation at large. A new class of illustrious writers had arisen, the perusal of whose works had, as by some potent charm, dispelled the clouds of darkness, ignorance and bigotry in which the nation had been so long enveloped. Voltaire, Helvetius, Montesquieu and Rousseau appeared most conspicuous in the band. And though it must be acknowledged, that the radical ideas which they inculcate respecting the abstract theory of government, the nature of the social contract, the unalienable right of toleration, and the true and genuine spirit of laws, were transplanted from the English philosophers, yet were they exhibited by these

great men in a garb so striking, so attractive, so captivating, that delight and conviction accompanied each other. Never did philosophy boast so glorious a triumph. Never were reason and truth so rapidly and extensively diffused. The alliance with America, which was the result of the mad and ruinous politics of Great Britain, indelibly established the impression in favor of liberty, by affording them an opportunity of bringing their speculative principles into act, and of fanning the rising flame, by transferring that spirit which pervaded the circles of domestic life into the grand and interesting scenes of civil and military transactions.

After the successful termination of this war on the part of France, which was not effected but at the expence of a vast addition to the load of public debt under which she already laboured, on an accurate investigation into the state of the finances, it appeared that the expenditure of the nation exceeded by a very enormous sum its annual revenue, notwithstanding the numerous reductions made by the court of the ancient civil and military establishments. A grand effort of government, therefore, became necessary, in order to supply this alarming deficiency by the imposition of new and heavy taxes. But the Parliament of Paris peremptorily refused to enregister the royal edicts issued for this purpose. Pro-

voked by resistance, the monarch held in person a Bed of Justice, and commanded the proper officers to enregister the edicts. At the next meeting of the Parliament the act of the officers was declared null and void; as proceeding from compulsion and destitute of legal authority. The banishment of the Parliament was the immediate consequence of this bold resolution; and the establishment of a new court, stiled "La Cour Pleniére," attempted, in order to execute its necessary functions. But the spirit of resistance became universal. Those who presumed to accept of seats in the new court were by the concurrent resolutions of the provincial Parliaments and Municipalities declared enemies to their country. The common course of judicial proceedings was interrupted. The civil government seemed to have lost its energy. Tumults every where prevailed, and matters were to appearance rapidly verging to a state of anarchy and rebellion; when the King, who was manifestly destitute of that vigour which could alone oppose with effect, and of that wisdom which gives dignity to concession, suddenly determined to recal the Parliament, and at the same time to convene a meeting of the *Notables* of the realm; or to assemble, agreeably to ancient custom in France, a Convention of the most considerable persons in the kingdom of all ranks and orders, for the purpose of advising
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the crown in difficult and dangerous emergencies. On examination this assembly discovered, that the most flagrant embezzlements had taken place in the royal treasury. The downfall of M. de Calonne, the Comptroller General of the Finances, was the immediate result of this discovery; and the elevation of M. Neckar, who had formerly occupied that important station. The *Notables*, however, acknowledged their total incompetency to reform the abuses or relieve the embarrassments of the state. And they concluded their deliberations by advising the King without delay to convoke the States General of the kingdom, who alone possessed sufficient influence and authority to apply those remedies which the political disorders of the state rendered indispensably necessary. This had in fact been for several years past the grand object of the hopes and wishes of the people. And the inflexible resolution of the Parliament of Paris not to enregister the edicts of the crown was apparently and almost avowedly directed to the accomplishment of this purpose.

The monarch, seeing himself without resources, alarmed at the critical and dangerous situation to which he was imperceptibly reduced, and desirous to regain the affections of the people, at length declared his resolution to convene the States General, which had not met since the

year 1614. This resolution was chiefly ascribed to the influence of M. Neckar; who, in December 1788, made a Report to the King in Council, relative to the principal points necessary to be ascertained previous to the actual convocation of that assembly. According to ancient form, the States of the Kingdom consisted of three distinct orders—the nobility, the clergy, and the *Tiers Etat*, or commons, who sat in separate houses; and the questions which came under their discussion were determined by a plurality of orders. Also the different bailliages or districts into which the kingdom was divided, notwithstanding their extreme disparity with respect to extent, riches, and population, were empowered to elect the same number of deputies; and when actually elected, the votes of each house or chamber were collected not individually but by bailliages; and the number of deputies of each order was nearly or precisely the same. It is evident, therefore, that the constitution of this assembly was radically defective, and that the share of influence and authority possessed by the commons, or people, for whose benefit alone the powers of government ought to be exercised, was extremely circumscribed; and by a combination of the two higher orders they might be rendered wholly insignificant and useless. And as the majority of the nobility and
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clergy would naturally be devoted to the interests of the crown, which would also possess great influence in the election of the deputies of the smaller bailliages, it is no less evident that the whole assembly would be so much under the control of the sovereign, supported by the power of the aristocracy, that no hope could be entertained of any effectual reformation of the political evils and oppressions by which the kingdom was reduced to a state the most deplorable, and to which it had so long indignantly submitted. As the first and most indispensable requisite, therefore, to elevate the commons to that ascendancy in the scale of power which they were entitled to possess, the people were secretly incited by those whose profound sagacity at this period modelled and guided the opinions of the public, to present petitions to the throne from every part of the kingdom, that the number of deputies of the third estate might be equal to that of the other two orders united. This was a request in itself not very acceptable to the monarch or the ministers of the crown. But as it was now the policy of the court to conciliate the affections of the people, it was determined to gratify them in this particular. "For," as M. Neckar observes in his Memorial, "the three orders being authorized, by the ancient and established constitution of the States, to deliberate, and to vote

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separately, the number of deputies of which each order may be composed, does not seem a question of sufficient importance to excite that degree of vehemence with which it has been agitated." And the King passed an ordonnance in Council, that the number of deputies of the *Tiers Etat* should be limited to six hundred, and that of the higher orders to three hundred each. Thus was a question decided in favor of the people of far greater importance than the monarch and his confidential advisers had the most distant suspicion of.

On the 5th May, 1789, the King of France opened the States General in regular form, by a gracious speech from the throne. It was universally understood that the crown was prepared to make very considerable concessions in favor of the people, in return for the pecuniary aids which the urgent necessities of the state constrained the sovereign to solicit, in order to avert the ruin which seemed impending over the kingdom. The royal writ for the Convocation of the States, after a frank confession of the embarrassed state of the national finances, and some injunctions relative to the mode of electing the deputies, expressly recommends, "that the said deputies shall be furnished with instructions and general powers to propose, remonstrate, advise, and consent to every thing which may concern the
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wants of the state, the reform of abuses, the establishment of a fixed and durable order in all the departments of the administration, the general prosperity of the kingdom, and the welfare of all and every one of our subjects; promising them to ask, and with a favorable ear to listen to the advice of the said States, upon every thing that can interest the welfare of our people; and to make such provisions in regard to the grievances and propositions which may be presented to us, that our kingdom, and all our subjects in particular, may experience for ever the salutary effects which they have a right to promise themselves from such and so able an assembly."

The expectations of intelligent persons were now raised to the highest pitch of elevation; whether they contemplated the state of imbecility and dependency into which the crown had actually fallen, or that illustrious combination of talents and virtues which the Assembly of the States exhibited to their view, or the spirit and temper of the times, and those great attainments in every branch of speculative knowledge, which had prepared the minds of men for the most daring political innovations, if conducive to real and practical improvements.

Before the States could enter into the business of the kingdom, it was necessary that each deputy should *verify his title*, as it was termed, or *authenticate*.

thenticate his deputation. And here the spirit by which the deputies of the commons, or the *Tiers Etat* was actuated, became at once fully apparent. They firmly insisted that this verification should be made in one common assembly of the three orders united; and that all questions which might arise should be decided by a majority not of orders or of bailliages, but of votes collected individually. This was a claim which totally and radically subverted the ancient constitution: and it was resisted by the whole weight of regal influence, as well as by the peremptory declarations of the nobility and clergy in vindication of their rights and privileges, and reproaching, in the strongest terms, these alarming and dangerous innovations. In this critical situation matters continued for some weeks; during which interval the King proposed a plan of conciliation, agreeably to which some questions were to be debated by all the different orders in conjunction, and others in their separate assemblies. This was respectfully declined by the commons, and haughtily rejected by the nobility. The *Tiers Etat*, however, gradually gained ground, particularly amongst the clergy; who were probably sensible that the contest must finally terminate in their favor. And being strongly supported by the general voice of the people, and actually joined by about fifty of the nobility,

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with the Duke of Orleans at their head, and nearly one-half of the clerical order, they ventured, on the 17th June, to declare themselves the NATIONAL ASSEMBLY.

The King, highly offended at their rashness and presumption, immediately signified his pleasure to hold a Royal Session, in which he declared that the distinction of the three orders is essential to the ancient constitution of the kingdom; and that the deputies from them sitting in three chambers, but uniting occasionally with the approbation of the King, are the only legal representatives of the nation; that he annuls, as anti-constitutional, the resolutions passed in the Assembly of the *Tiers Etat* on the 17th; and concludes, "I order you to meet to-morrow, each order in its separate chamber, and resume your sessions." When the King retired, followed by the major part of the nobles and clergy, the commons still remained; on which the Marquis de Brezé, Master of the Ceremonies, reminding them of his Majesty's *orders*, the President, M. Baillie, replied, "the nation assembled has no *orders* to receive." On the morrow the assembly continued to exercise its functions, and even received an addition to its numbers. And on the 27th the King found himself under a necessity of writing to the higher orders to join the *Tiers Etat* in one common assembly, that the business
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of the nation might no longer be impeded. This was a great, but reluctant and precarious concession, extorted by fear, and easily revocable at the pleasure of the monarch, who now began to listen to counsels which justly excited universal consternation. Neckar and Montmorin, the popular ministers, were dismissed. Troops were collecting from all quarters, and encampments forming in the environs of Paris and Versailles. This occasioned a most spirited and energetic remonstrance from the assembly to the King, in which they complained, in language new to Kings of France, that the freedom of their deliberations was alarmingly and unconstitutionally interrupted. And they desired, or rather insisted, that the troops, which were composed of foreign as well as national regiments, might be remanded to their stations, and that a guard might be raised in Paris and Versailles.

In consequence of this intimation, the city of Paris immediately embodied a numerous corps, under the appellation of the National Guard; and the example of the metropolis was rapidly followed by every considerable town throughout the kingdom. The King's answer to the remonstrance was evasive and unsatisfactory; and the passions of the people being violently inflamed, a most extraordinary and memorable insurrection took place in the city of Paris on the 14th July,

when the fortress of the Bastille was stormed and captured by the citizens; the King's troops refusing obedience to the commands of their officers, and some even joining the insurgents. The Count D'Artois, and the other leaders of the aristocratic party, sought for safety in flight; and the King was compelled to throw himself upon the protection of the National Assembly. Neckar and Montmorin were reinstated in their offices, and a new administration formed. In consequence of this revolution in affairs, great excesses were committed by the populace in all parts of the kingdom upon the persons and properties of those who were supposed attached to the aristocratic party; and, in numerous instances, outrages shocking to humanity perpetrated. The National Assembly, and the ministers of the crown, endeavoured in vain to restrain the fury of these lawless plunderers and assassins, who seemed rather to aim at the subversion of all government than the mere reformation of abuses. At length, however, the popular rage being apparently exhausted by the violence of its own efforts, the course of things seemed gradually tending to a regular and settled state. By the end of September the Assembly had agreed upon the primary and essential articles of the new constitution, which were presented to the King; who did not, indeed, refuse
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the royal sanction, though dangerously accompanied with a *salvo* for "the ancient, essential, and constitutional prerogatives of the crown."

When we consider the nature of these articles, we cannot wonder at the reluctance discovered by the monarch to ratify them. They imported in substance, that the King is himself subject to the laws; that the legislative power is vested in the assembly of the representatives of the nation; that the executive power alone resides in the person of the King, and that justice shall be administered in his name, but by tribunals not subject to his control, according to the principles of the constitution, and the forms determined by the law. The reserve of the monarch was justly considered as a decisive proof of the secret predominance of aristocratic counsels. And the Queen was universally charged with exerting all that influence which she was known to possess over the mind of the King to persuade him to refuse or qualify his assent to the establishment of a free constitution. Preparations were discovered to be in train in order to facilitate the retreat of the King to Metz, where the royal standard was to be raised as the signal for involving the nation in all the horrors of a civil war: and the banished *aristocrats* were deeply engaged in various machinations for the advancement of this nefarious project. More than ever inflamed and enraged
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by this intelligence, another popular insurrection of a nature still more astonishing and unparalleled than the former took place, October 6, in which the palace of Versailles was actually besieged; the King and Queen were made captives and conducted in triumph to Paris: and the palace of the Tuilleries was assigned as the place of their future residence, where the monarch is still guarded with jealous and unremitted vigilance. The effect of this violence on the person of the sovereign was an immediate, explicit, and unconditional acceptance, on his part, of the articles of the constitution, formerly presented. And the National Assembly have ever since proceeded in an undisturbed and uninterrupted progression, to carry into effect the grand and noble plan which they had concerted for the renovation of the French monarchy, and the establishment of a free and permanent constitution.

It is well known that the monarchy of France is composed of various rich and extensive provinces; which being formerly subject to the dominion of different sovereigns, were united to the crown of France at different periods, and under different limitations and conditions. These provinces, in consequence, claimed divers local and immemorial exemptions and privileges, little beneficial indeed to themselves, but highly detrimental to the community at large, as they formed

an effectual bar to the complete coalescence and consolidation of the component parts of this great monarchy into one regular and well compacted whole. It was one of the first and greatest objects therefore of the National Assembly to abolish for ever these pernicious exemptions, privileges, and feudal rights, the remains of a barbarous and Gothic policy, and to establish a system of perfect equalization and uniformity; a system whose energy should pervade alike all the classes of the community, and all the dependencies of the empire. For this purpose the whole kingdom was divided into nine regions, comprizing eighty-three departments, subdivided into districts and cantons, somewhat analogous to circuits, counties, hundreds, and tythings, in England. The resident inhabitants of each canton, not paying less than the value of three days labour to the state in a direct tax, are empowered to meet once in two years to chuse electors, in the proportion of one elector to every hundred voters. These electors are authorized to chuse deputies to the great National Assembly; and also members to compose the inferior assemblies of department and district, to whom is committed the superintendency of the internal police of the kingdom. These assemblies are permanent bodies, not dependent upon the will of the monarch for the continuance of their existence; a periodical
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time being fixed, viz. every two years, for the re-election of members; and the old assembly is not dissolved till the new election is completed. There is, however, this difference in the manner of renewing the members in the National and in the Subordinate Assemblies.—In the National Assembly the period of delegation is restricted to two years: whereas in the assemblies of department and district, one half only of the members are renewed in the biennial elections; so that each member, except in the first assemblies will continue four years in office. With regard to the number of deputies in these assemblies, as well as in the National Assembly, it is regulated by a *ternary ratio*—that is to say, the number of deputies to the National Assembly is as the number of departments multiplied by nine, amounting to seven hundred and forty-seven deputies. Each assembly of department is to consist of thirty-six members, the assemblies of district of twelve each. These numbers are adopted for the purpose of making the representation of the kingdom correspond as nearly as possible to the threefold relation of extent of territory, population, and riches. Municipalities also, in all the different towns and cities throughout the kingdom, were established upon the same principles of representation, in lieu of the ancient corporate bodies, founded in the ages of ignorance, and possessing powers and

privileges incompatible with the general welfare.

The Assembly having decreed, as a primary article of the new constitution, that the judicial power should be for ever separated from the legislative and executive powers of the state, proceeded to determine, that juries should be instituted in criminal causes; that justice should be gratuitously administered to the people; and that the office of judge in any court should be no longer purchaseable or hereditary. These measures having been received with a warmth of approbation which reflected the highest honor upon the nation at large, the Assembly were emboldened to advance with vigorous steps towards the completion of the grand work of national reformation. The riches of the Gallican church were immense, and formed a most striking contrast to the distressed and impoverished condition of the state. The pomp and luxury which were almost universally prevalent amongst the higher ranks of the clergy, the corruption and abuses of various kinds which pervaded every part of the ecclesiastical system, had arrived to such an height, that it seemed to be scarcely recollected that the clergy were merely a class of citizens paid by the public, and appointed by the authority of the state to perform certain duties; that the state therefore possessed an inherent right, in case of negligence,

negligence, inability, or misconduct, to decree a general resumption of that branch of the public revenue which was destined for their support and maintenance. This power the National Assembly now thought it fit and expedient to exercise; and by a decree of that body, the entire property of the church was resumed by the state, in order to be appropriated to the public exigencies. A decent provision, however, was made for the parochial clergy; and to the bishops were allotted stipends not inadequate to their more elevated stations. But pluralities were totally abolished. The residence both of bishops and rectors was strictly enjoined. The offices also were made elective, and vested in the assemblies of departments and district. Applications to the see of Rome for bulls of confirmation and investiture were declared illegal; a simple notification to the Roman Pontiff, as the first Christian bishop, being henceforth the only mark of distinction to be paid to the Papal see. Finally, all monastic institutions were dissolved, and the prelates of the church divested of all the civil and temporal jurisdiction and authority annexed to their respective sees. No change, however, was made or even attempted in the doctrinal articles of the church. The absurdities of the Roman Missal were still retained; and the National Assembly has wisely delayed to a season of more leisure

and security, a reformation of a nature perhaps more difficult and hazardous than any hitherto attempted.

This great ecclesiastical reform being thus happily accomplished, the National Assembly next proceeded to the adoption of a measure which excited the astonishment of all Europe. This was no less than the immediate and total suppression of all titles of honor, armorial bearings, and hereditary distinctions of rank of every kind. It is remarkable that this celebrated decree was carried in the National Assembly by a prodigious majority of voices; that it was warmly supported by the Duc de Montmorenci, the head of the most illustrious family perhaps in France; and that it was received by the nation with unbounded demonstrations of joy, as one of the noblest sacrifices which had been yet made at the altar of liberty. At length the attention of the Assembly was directed to the state of the public finances, the dreadful derangement of which was the immediate cause of its being convened; the annual *deficit* of the public revenue being, according to the report of M. Neckar, no less than fifty-six millions of livres. In this arduous business little progress appeared to have been made till the recent decree of the Assembly, which enacted that *assignats* to the amount of 1200 millions of *livres* should be issued, in order to the liquidation

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of that proportion of the public debt, under the sanction and authority of the National Assembly, which bearing no interest, should be deemed a legal tender in all payments, and should be received by government in lieu of specie, for the lands, tythes, and other ecclesiastical property, to be disposed of by commissioners appointed for that purpose, to the use and benefit of the community. In consequence of which provision, it was supposed the far greater part of this enormous emission of paper currency would speedily revert to the National Exchequer; and as the *assignats* are from time to time paid into the treasury, it is directed that they shall be publicly burnt. And from the report of M. de Rochefoucault, Chairman of the Committee of Finances, presented to the Assembly in the month of December last (1790), the most pleasing prospects open of future and permanent prosperity.

Upon a candid and impartial review of the acts and proceedings of this Assembly, it must be acknowledged that so great, so extensive, and so beneficial a reformation has never before been attempted by any nation: and that in the short space of time which has elapsed since it was convened, more has been accomplished for the glory and happiness of the community, than could previously have been imagined possible for the highest efforts of wisdom and perseverance to effect. Yet

were there not wanting persons even in France who eagerly embraced every opportunity to cast obloquy and reproach upon the conduct of this illustrious assembly of legislators and patriots; who affected to deride them as mere political visionaries and romantic speculatists, who employed that time in idle debates and abstract discussions which ought to have been wholly devoted to the settlement of the affairs of the nation, and the restoration of public order and tranquility. Though these malignant and seditious charges made little impression upon the great mass of the people, who placed the utmost confidence in the talents and virtues of those enlightened and faithful citizens by whose counsels the Assembly was principally guided, yet that body thought it incumbent upon them to vindicate themselves from these injurious imputations, by a very animated address to the nation at large, in which they recapitulate the steps they have taken in order to accomplish the purposes of their delegation; and with an openness, generosity, and candor, worthy the representatives of a great and free people, explain their sentiments respecting the general situation of the kingdom, and the measures it will still be necessary to adopt for its final and complete emancipation. "What," say they, "has been left unessayed by our enemies to mislead you, and to shake your confidence in us?"

us? What good, do they affect to ask, has the assembly done? We answer, it has traced with a firm and steady hand, and in the midst of dangers and tumults, the principles of the constitution which secures your liberty for ever. The rights of man have been for ages misunderstood by the people and insulted by their rulers. They have been re-established for all mankind in that declaration, which will remain as a perpetual bond of union for the people against their oppressors, and even as a rule for legislators themselves. Numberless particular privileges, those irreconcilable enemies of the public good, composed the whole of our national law. These are destroyed: and, at the voice of your Assembly, those provinces that were most tenacious of their own privileges have applauded their downfall, and have felt themselves enriched by the loss. An oppressive feudal system, powerful even in its last remains, extended itself throughout France—It has disappeared, never to return. You have long desired that the venality of offices in the magistracy should be abolished: this has been decreed. You stood in fear of the power of ministers: we have for your security imposed on them the law of responsibility. In fine, the finances demanded immense reforms: seconded by the minister who has obtained your confidence,

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we have made them our unremitted study, and you will soon reap the fruit of our labors.

“ What an æra is this to which we are at length arrived! How honorable an inheritance have you to transmit to your posterity! elevated to the rank of citizen, admissible to all employs, enlightened censors of public affairs when not actually engaged in the conduct of them; equals in the eye of the law; free to act, to speak, to write, amenable to the public only; what condition can be conceived happier or more honorable than yours? Is there a single citizen worthy of that name who can look back with regret on the past state of things, or who would gather up the ruins with which we are surrounded in order to re-construct the antient edifice? And yet, what has not been said, what has not been done by our enemies to weaken in you the impression which such blessings ought naturally to excite? They accuse us of having aspired at a chimerical perfection. Under this disguise, how easy to discover the secret wish for the perpetuity of abuses. The National Assembly are vilified because they had the sense and courage to believe that all useful ideas and truths, most necessary to the happiness of mankind, were not, exclusively, destined to adorn the pages of a book. It is impossible, say they, to regenerate an old and corrupted nation.

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Why should we answer so wretched a reproach? Shall the National Assembly be reduced to excuse itself for not having despaired of the people of France? Nothing has yet been done for the people—even this has been imprudently asserted. Nothing done for the people! Is it not the people's cause which triumphs in every change? Does not every abuse which has been destroyed prepare the way for the ease and relief of the people? But their condition is *now* wretched. Say, rather, it is *still* wretched. But it shall not be so long—WE SWEAR IT SHALL NOT. We have, it is said, destroyed the executive power. On the contrary, the executive power is enlightened and ennobled by us. In opposition to the law and constitution, it is *now*, indeed, without force; but, when employed in their defence, more powerful than ever. The people are armed. Yes, for their defence. But popular excesses, tumults, and bloodshed, have flowed from this source. Can these evils be imputed to your representatives? Can the Assembly be justly reproached for disasters which it laments? which it used every means in its power to prevent, and which will soon cease by the union of the two powers from henceforth indissoluble, and by the irresistible action of the united strength of the nation. We have exceeded our powers.—The answer is obvious and simple. We were uncontestedly

contestibly delegated to make a constitution. This was the desire, it was the want avowed and called for by all France. Was it possible to create this constitution without the plenitude of powers which we have exercised? The numerous addresses of adhesion presented from all parts of the kingdom, the avowals of homage, the oaths of the citizens—what a confirmation are they of the powers which our enemies would contest with us! The clergy, citizens also equally distant from the extremes of poverty and riches, will, under the new constitution, cause religion to be cherished; they will increase its influence by cultivating a closer and more affectionate connection between the people and their pastors. This sacred body will no longer exhibit the spectacle which the patriotism of some of its own members has lamented in this assembly of opulent idleness, and unrecompensed activity. Behold! O people of France, the prospect of happiness that lies before you! some few steps more remain to be trodden in this career of labours. Guard, during this interval, against the impulse of your natural impetuosity. Dread above all things the commission of violence, than which, nothing can be imagined so fatal to liberty. Bear in your minds the three sacred words, the Nation, the Law, and the King. The Nation, that is yourselves; the Law, which is the voice
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of the Nation; and the King, who is the guardian of the Law. Hearken not to those who speak of two parties; there is but one. We have all sworn it; and it is that of liberty. As long as her victory is secure, attested by new conquests every day, let these vile detractors pour out their injurious calumnies against us. Reflect only that if they praised us France would be undone."

It is painful to acknowledge that this Revolution, so favorable to the interests of liberty and the natural rights of humanity, has, in a country professing the most ardent and zealous attachment to liberty, been by very many persons viewed not merely with eyes of jealousy, but aversion; and, at least in the more courtly and fashionable circles, rarely mentioned but in terms of affected scorn and contempt, so that a very general apprehension pervaded the minds of the people of France that England was disposed to convert to her own advantage, and to the purposes of her own ambition, the temporary anarchy in which they were involved. This, however, obtained a reluctant credit with the higher and more enlightened ranks of the community. "Who will interpose," exclaimed a member of the National Assembly "to prevent the establishment of a free constitution in France? Not you, O brave and gallant nation, who have
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shed seas of blood in defence of your own liberty!" And it must be acknowledged that not even the court, and much less the Parliament or the people, were inclined to adopt so barbarous and detestable a policy*. Still it was observable that a long and sullen silence prevailed in the English Parliament on this subject; that it was studiously shunned, and deprecated in the language of mystery as a topic which could not be made the theme of public discussion without extreme rashness and danger. At length the period arrived when this pretended danger ceased to excite alarm even in the breast of a courtier.

On the first day of the session, January 1790, Lord Valletort, who moved the address in the House of Commons in answer to the speech from the throne, took occasion to contrast the tranquil and prosperous situation of England with the anarchy and licentiousness of France, and to stigmatize the Revolution in that kingdom as an event the most disastrous, and productive of consequences the most fatal which had ever taken place since the foundation of that monarchy. "Milord Valletort," says a spirited French

* This tract was written in the spring of the year 1791. Before the close of the succeeding year the author was reluctantly compelled to retract the too favorable opinion he had entertained, against all analogy and experience, indeed, of the principles and policy of the court.

writer,

writer, in allusion to this unprovoked attack, "ne risqueroit cependant rien en venant en France, que la mortification de voir par lui-même la fausseté de son tableau, celle d'être accueillie par ceux qu'il a si indignement calomnié, celle enfin de sentir la distance immense qu'il y a entre la générosité & l'injustice."

The sentiments of his Lordship, however, were highly applauded by the minister, *and the King's friends*; and seemed, indeed, not unacceptable to the majority of the members of the House. In the space of a few weeks the subject was again revived, and in a mode which excited much more of the public attention. Upon the debate which took place relative to the Army Estimates, Mr. Burke arrested the admiration of his hearers by a most eloquent, though wild and extravagant declamation against the Revolution in France. It is plain that the imagination of the speaker was violently inflamed by the recent accounts of the popular outrages and excesses in France; which, for a time, were indeed dreadful,—“Effects unhappy from a noble cause.” We hear of ten thousand lives lost in a battle, the wretched victims of imperial pride and ambition, almost without emotion; whilst the barbarous execution of a comparatively inconsiderable number of persons sacrificed to the suspicion or vengeance of the people, related with all
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the concomitant circumstances of distress, strikes us with horror. But if we are destitute of that firmness and energy of mind which are necessary to the success of any grand or elevated undertaking; if our feelings for the sufferings of individuals are so exquisite as to absorb and extinguish our feelings for the sufferings of our country, let us resign ourselves tamely to our fate. Content with secretly sighing for the blessings of freedom, let us bow down at the altar of despotism, and prostrate ourselves at the feet of our oppressors: for resistance will certainly be productive of discord, of confusion, and bloodshed. But is it thus that Liberty has been worshipped in this country? LIBERTY! the Mountain Goddess, who scorns the velvet step of smooth savannahs, who wields a gory anlace, and waves a crimson banner, assuredly requires from her votaries a more ardent and enthusiastic devotion.

THEE, GODDESS, thee! Britannia's Isle adores!
 How oft has she exhausted all her stores?
 How oft in fields of death thy presence fought?
 Nor thinks the mighty prize too dearly bought.

It is remarkable that at the very time Mr. Burke was aiming his impotent, though envenomed shafts against the measures of the National Assembly, the King of France repaired publicly,

and voluntarily, to the Assembly in person, in order to declare, in the most solemn manner, his perfect approbation of their proceedings, and to give the world a convincing proof of the cordiality with which he concurred with them in the arduous task of forming a constitution upon the most solid and extensive basis of freedom.—“ Livrons nous,” said this mild and beneficent monarch, “ *de bonne foi* aux esperances, que nous devons concevoir. Continuez vos travaux.—Qu'on sache que le Monarque y applaudit.—J'aurai bien des pertes a compter; mais je trouverai mon bonheur dans celui de la nation. C'est *du fond de mon cœur* que j'exprime ce sentiment. Je maintiendrai la constitution de tout mon pouvoir. Puisse cette journée où votre Monarque vient se réunir à vous, réunir encore tous les esprits. Je les dédommagerai par mes bontés*.”

Though the extreme virulence and malignity

* Certainly, at the period this Tract was written it would have been “ vicious to have mistrusted” the sincerity of this Monarch's declarations. His subsequent flight from the capital, at no distant interval, and the formal disavowal of his reiterated oaths and professions of attachment to the Constitution, are, nevertheless, demonstrations of his actual treachery; and render pardonable the strong expression used upon the occasion by a Member of the Assembly, Le Comte de Chastellane, “ that the mouths of Kings are the caves of falsehood.”

manifested by the calumniators of the Revolution in France cannot but excite indignation, it will not be thought to derogate from its merits, calmly and dispassionately to investigate this grand and beautiful model of government, in order to mark with candor and impartiality those inconveniences and defects from which no work of man can reasonably be supposed entirely exempted. The division of the kingdom into departments and districts, and the establishment of popular assemblies in each, appears happily calculated to infuse animation and energy into every part of the political system. And that regulation is particularly to be admired, by which the citizens at large are to exercise the right of representation, through the medium of a previous delegation of electors: by which means the tumults and popular excesses attending the generality of elections in England will be effectually precluded. But the wisdom or propriety of the article which enacts that no deputy shall be eligible in two successive legislatures, is not easily discernible. It seems an oppressive restraint on the freedom of choice on the part of the people, and it may also deprive the state of the services of her ablest and most intelligent members, perhaps, at the very period when they might be productive of the greatest utility. The union of orders in the National Assembly must be acknowledged

ledged a measure of indispensable necessity when the object in view was to form a constitution; because the opposition which the commons, or *Tiers Etat*, would certainly have encountered from the superior orders in accomplishing that great work, must doubtless have rendered all their attempts abortive. When the constitution, however, was actually formed, the re-establishment of the order of nobles might have answered the same beneficial purposes in France, as we find by experience to result from the intervention of an House of Peers in England; who, without possessing a degree of power very formidable in itself, are able to hold the balance between the other branches of the legislature, and to oppose a firm and permanent barrier to the attacks of regal power; or, which is indeed their more immediate and constitutional province, to the encroachments of democratic ambition. In order, however, to preclude even the possibility of the re-establishment of this obnoxious, but useful and salutary check, the National Assembly have, by a bold and decisive measure, annihilated all hereditary titles of honor and distinctions of rank throughout the kingdom; thus, to adopt the allusion of a celebrated writer, destroying the symmetry of that beautiful pyramid, of which, in a well ordered state, the people may be considered as the base, and which gradually rises through

the more elevated ranks and orders of the community, till it arrives at its proper termination in the person of the sovereign.

Another defect in the new constitution of France appears to be the absolute exclusion of the ministers of the crown from any place in the National Assembly. In England, the monarch is not only enjoined by the principles of the constitution to carry into execution the measures determined upon by the representatives of the community, but he is allowed and even expected, through the medium of the great officers of state sitting in Parliament, to propose such public measures as it may be proper for the legislature to adopt. This completes the harmony and consolidates the union of the different powers of government. And if the Parliament were indeed a real, adequate, and impartial representative of the nation, and under no corrupt or secret influence of the crown, this appears incomparably the most easy, eligible, and efficacious mode of conducting public business. For who so well qualified to propose public measures as those who occupy the highest departments of the state? who, under a well constituted government, must be supposed possessed of talents and virtues equal to their stations—who must in fact be entrusted with the execution of those measures, and who are considered as finally responsible for the effects of them.

them. The National Assembly of France have, I think, unhappily adopted a policy founded on different principles. Deliberation is, as they conceive, the sole province of the legislative power, and action that of the executive. And the intervention or influence of the sovereign relative to the decisions of the legislature, is guarded against by every precaution that the most anxious policy can suggest. The inevitable result of this constitution must be the final and total disunion of the different powers of government. There is no visible bond of connection. The ministers of the crown, I might say the crown itself, must sink into a state of imbecility and contempt. Committees will be instituted by the Assembly, to whom the entire functions of the executive power will be gradually transferred. For will the passions of men, and the secret suggestions of pride and ambition, in circumstances so favorable to their gratification, ever cease to operate? The orders of the sovereign will become a mere matter of form, and will only be issued in compliance with the addresses of the Assembly. The monarch will be regarded as a mere pageant of state. An irresistible tendency to republicanism will soon become apparent. Monarchy will be at first virtually, and at length, perhaps, openly and avowedly annihilated.

But here a question of the utmost moment

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arises:

arises: To whom will the command of the army be entrusted by the new constitution of France. To whom can it be entrusted, but to the King, as supreme executive magistrate? But will the King patiently submit to be divested of his civil authority and to be reduced to a mere cypher in the state, so long as his military authority remains unimpaired? Are not the seeds of future division and discord implanted in this system? And when division and discord arise to a certain height of animosity, with how much facility a sudden and total change of government may be effected by the aid of the military, the Swedish revolution affords a recent and memorable instance. And this beautiful and lofty fabric reared as it were by enchantment, the brilliant illusion of a day, is destined perhaps to dissolve into air, when touched by the spear of some political Ithuriel. Absolute unqualified distrust of the monarch is the characteristic of the new constitution of France. A guarded confidence in the monarch is the characteristic of the constitution of England, which presumes that the King, who can act only by the intervention of ministers, approved by the representatives of the people, and under the control of the people, and responsible to the people, can harbour no designs inimical to the state. This, as a theoretical principle, appears wise and just; and if the representation of the people were in reality

reality what it is in name, it would be equally safe and beneficial as a practical one. In England, the King is incessantly and actively employed in directing the evolutions of the state. In France, he seems a kind of remora, which continually counter-acts its movements and impedes its course. Agreeably to the former theory, the crown of France ought to have been invested with an absolute negative upon the acts of the Assembly, instead of the suspensive *veto* allotted to it by the present constitution. For it is not to be imagined that, under such a constitution, the sovereign would ever be disposed to exert his negative, but in cases of a direct attack upon the essential prerogatives of his crown. I should be extremely happy to find myself eventually mistaken in these apprehensions. But admitting the superiority of the new constitution of France to that of England, in many striking points, yet in this *most* important respect, the latter has manifestly the advantage; that in her general plan of government, England adapts her political provisions to the nature and passions of men, as they actually are, while France appears to consider them only or chiefly as they ought to be. If the National Assembly of France was composed of men not subject to human frailty, no attempts would ever be made to encroach on the province of the executive power. If the Kings of France

were always generous and disinterested patriots, they would not wish to direct or influence the conduct of the legislative body, but would be satisfied with the glory of executing their decrees. As neither of these suppositions however is very probable, that form of government must be deemed more eligible which has opposed insuperable barriers to any encroachments of the legislative upon the executive power; and which, admitting and even authorizing the executive power to exert an high degree of influence over the determinations of the legislative body, is solicitous only to prevent that influence from being perverted to pernicious and unconstitutional purposes.

Since these remarks were written, the public curiosity has been gratified by the appearance of the celebrated and long expected Reflections of Mr. Burke on the late Revolution in France, which, notwithstanding the lapse of time, exhibit, in colors more glowing than even his famous parliamentary invective, the feature scarcely shaded, of inveterate prejudice and ungoverned passion. The radical positions of Mr. Burke are these—That the political constitution of France was, previous to the revolution, a good one; *very nearly as good as could be wished*; that this
good

good constitution might have been farther meliorated and reformed, and even new modelled agreeably to the principles of the English constitution without danger or difficulty—That the new constitution of France is destructive of the public order, and incompatible with the public happiness. He advances, indeed, neither facts nor arguments in support of his assertions, but in their stead assumes, and, to do him justice, admirably maintains that lofty and imperious tone of declamation, which, with the majority of readers, at least for the moment, answers the purpose of such a writer much better.

“The King,” he tells us, “from the beginning surrendered all pretence to the right of taxation.” How noble and generous to surrender what he had in vain used every means in his power to enforce, and what all France knew it was no longer possible for him to retain. When this claim was surrendered, however, the absolute monarchy was, in Mr. Burke’s opinion, at an end. Still the legislative, the judicial, the executive powers were united in the person of the monarch: and a constitution, in which the monarch possesses all the powers of government, the power of taxation excepted, is, in fact, the very worst species of despotism. And this, as Mr. Hume has justly observed, is the actual situation of the government of Turkey, where it is customary,

tomary, and in some sense necessary, to replenish the treasures of the state by acts of the most dreadful individual oppression. The right of taxation, when exercised by the representatives of any nation, may, indeed, and probably will be made the instrument of establishing a free constitution; and to the accomplishment of this greatest and most laudable of all purposes, the National Assembly of France invariably endeavored to employ this new acquisition of authority. In the space of a few months they had formed the general plan of a constitution, in which the executive, legislative, and judicial powers were separated from each other by permanent and irrevocable limits. And it is notorious that it was the King's refusal to ratify those fundamental principles of all just government, and the well founded belief of a determination in the court to resist, by force of arms, these formidable attacks upon the prerogative, which gave rise to the ever-memorable insurrection of October 6th, which, dreadful and sanguinary as were many of the circumstances attending it, and which Mr. Burke has painted with the dark and savage pencil of a Spagnolet, doubtless averted from the nation the calamities of a civil war in which it was manifestly on the eve of being plunged. And a spectacle was presented to the world in which, though pity claimed a mingled part, there was certainly
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ample scope for exultation and triumph. From that day the opposition of the monarch to the will of the nation ceased. The victory of liberty was secured; and the fabric of a new and glorious constitution was cemented in the blood of its enemies. Who, that possessed an heart which vibrated in unison with the noblest feelings of our nature, and who was capable of extending his views beyond the limits of a day, could hesitate to rejoice, even amidst scenes the most disastrous and afflictive to humanity, to see "a great and mighty people, indignant and resolute, spurning at slavery and demanding liberty with an irresistible voice; their king led in triumph, and an arbitrary monarch surrendering himself to his subjects?" These are the emphatic expressions of Dr. Price in his celebrated revolutionary sermon; and for this animated and generous effusion of patriotic fervor this illustrious philanthropist is vilified and scurrilously abused by Mr. Burke as a second Hugh Peters; or, to collect a few of Mr. Burke's scattered flowers of eloquence as a "fanatical," "sacrilegious," "inhuman," "unprincipled," "remorseless regicide."

But Mr. Burke assures us that "resistance was made to concession; their revolt was from protection; their blow was aimed at a hand holding out graces, favors, and immunities." All this is
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highly extravagant; the convocation of the states was a measure not of choice but of dire and urgent necessity*. And though, with respect to general rectitude of disposition, it would be injustice to affirm that Louis XVI. falls below the level of the kings, his predecessors or contemporaries, yet it is a melancholy truth that the people may suffer as much under the government of a weak as of a wicked prince. And the political concessions, which he was prepared to make in return for the pecuniary aids which he solicited, fell prodigiously short of that radical and permanent reform which the people had a right to demand, and which they also happily possessed the power to enforce.

In consequence of the heroic exertions which the spirit of liberty only could inspire, absolute monarchy has, indeed, to adopt the words of Mr. Burke, "breathed its last" in France; but not, as he asserts, without a groan. No; it expired in convulsions too dreadful to be lasting. Mr.

* "Because," says M. Bertrand de Moleville, who agrees with Mr. Burke much better in point of opinions than of facts, "the States General produced the most execrable revolution that ever existed, is it Louis we ought to accuse? No one is ignorant that it was not in his power to refuse assembling the States General. He was forced to it, not only by the universal cry of the kingdom, but the deplorable imprudence of the Parliaments, in declaring that they did not represent the nation."

Burke

Burke affects to speak with contempt of the "chill philosophy of modern times." But what philosophy so chill as that which refuses to make any allowance for the temporary excesses of an oppressed and exasperated people, in a moment of delirium, agitated at once by the frenzy of joy for the actual overthrow of despotism, and of terror at the apprehension of its re-establishment! Who can wonder that in the tempest and whirlwind of passion little regard should be paid to the sober suggestions of "the pauser reason?" The people of France, however, have shewn that they know how to distinguish between the man and the despot. And though it would be highly impolitic and dangerous to invest the King of France, in present circumstances, with that share of authority which is destined for him as supreme executive magistrate under the new constitution, yet the person of the King is, and has always been regarded as sacred; he is treated with every external demonstration of respect, but the sword of the state probably will not be again entrusted in his hands till there is reason to believe he has totally and for ever relinquished his intention of plunging it into her vitals*.

* It was, however, most impolitely and prematurely, again trusted in his hands, to the imminent danger of the state, to his own ultimate ruin, and the consequent subversion of monarchy in France.

The National Assembly have now nearly accomplished their original plan for what they justly stile the renovation of the monarchy. And Mr. Burke is absurd enough to be not only extremely sorry, but extremely angry that the French nation has not thought proper to adopt the English constitution as the model of their new form of government. It appears to me, I acknowledge, for the reasons already stated, that the nation judged erroneously in deviating in some important points from the maxims of the English constitution. But it never entered into my imagination that it was reasonable or decorous to insult them for thus exercising their own discretion where their own interests only were concerned, by a declaration, penned certainly when the moon was in her altitudes, "That all the sophisters and constitution-mongers of France could not produce any thing better adapted to preserve a rational and manly freedom, than the course we have pursued; that their extravagant and presumptuous speculations have reduced them to a state truly despicable; that the pettifogging attornies, obscure curates, and country clowns, of whom the National Assembly is composed, has established a litigious constitution in the hope of coming in for a share of the spoils in a general scramble; that the union of orders in the Assembly completed that *momentum* of ignorance,

rance, rashness, presumption, and lust of plunder which nothing has been able to resist; that every landmark of the country was done away in favor of a geometrical and arithmetical constitution; that all orders, ranks, and distinctions were confounded, that a barbarous and senseless government, a monster of a constitution, might be formed out of universal anarchy joined to national bankruptcy; that the National Assembly is a profane burlesque and abominable perversion of that sacred institute; that their power is, like that of the evil principle, only to subvert and destroy; that it has not even the aspect and physiognomy of a grave legislative body; *nec color imperii nec frons erat ulla senatus*; that their liberty, in fine, is illiberal and vulgar; their science presumptuous ignorance; their humanity savage and brutal. We, however, as Mr. Burke affirms, have not lost the generosity and dignity of thinking of the fourteenth century. Helvetius has made no progress amongst us. We have made no discoveries, and we think no discoveries are to be made either in morality or government. We are men of untaught feelings; and, instead of casting away our old prejudices, we cherish them, and cherish them because they are prejudices." And no wonder, for he tells us that "prejudice engages the mind in a steady course of wisdom and virtue."

But, surely, if the French nation happen to entertain somewhat lower ideas of the value of old prejudices, and consequently less predilection for them than Mr. Burke, and other admirers of the dignity of thinking of the fourteenth century, they have as just pretensions to judge for themselves in all the complex concerns of morality and government as the English. And it is difficult to conceive how a man, swelling with inflated notions of his own importance, can render himself more ridiculous than by arraigning, with a magisterial air, and in passionate and abusive language, the public transactions of a foreign country, with which he has no concern, and the government of which will be just as much influenced by his frantic ravings as the majestic orb of night, moving in cloudless splendor, by the envious howlings of the wolf, or the ominous hootings of the screech owl.

To those who are not acquainted with the peculiar cast of Mr. Burke's political character and conduct, it must appear strange, that in one of his parliamentary harangues, during the American war, he should declare, "that he did not know the method of drawing up an indictment against the whole people—that he could not insult and ridicule the feelings of millions of his fellow creatures—that he was not *ripe* to pass sentence on the gravest public bodies, entrusted with magistracies,

tracies of great authority and dignity, and charged with the safety of their fellow citizens on the same title with himself; that he really thought, for a wise man this was not judicious; for a sober man, not decent; for a mind tinctured with humanity, not mild or merciful." These were the sentiments of Mr. Burke in his unripe years, "when he was green in judgment," though it is manifest he is now ripe for passing sentence on a whole nation without decency and without mercy.

With regard to the resumption of the church lands, which is a very favorite theme of Mr. Burke's defamation, it cannot be pretended that the clergy in France, or in any other kingdom, hold their ecclesiastical preferments by the same tenure with their private estates and personal property. The clergy are a class of citizens, to whom is allotted, in common with other classes of men of other descriptions, a portion of the national revenue, as a compensation for certain services to be rendered to the state or the community and certain duties to be performed.—
 "But," to transcribe the words of the present excellent Bishop of London, in his primary charge to the clergy of his diocese, "if once we relinquish our proper stations and rush into the world; if we consider our preferments merely as life estates, without any regard to the personal
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services and personal duties with which they are charged, we shall most assuredly forfeit the good opinion, and with this the support of the state. The firm ground we now stand upon will sink from under our feet, and our properties and revenues will be swept away, like those of our brethren in a neighbouring kingdom, whose depoliation is said to have been no less owing to their non-residence, their love of pleasure, their loss of the public esteem, than to the subversion of their civil government." Will any one dare to affirm that, in cases similar to that which the venerable prelate here supposes, a resumption of that part of the national revenue so uselessly, or rather so mischievously appropriated, would be no better than a public robbery? Nothing can be clearer than that the state possesses the same inherent right to reduce or resume the revenues of the clergy as the revenues of the army, or of the various classes of persons employed in the civil departments of the state. Who will dispute the authority of the state to reduce the public stipends of the bench of judges? Do the bench of bishops hold their emoluments by a tenure more sacred? The ecclesiastical establishment itself exists but by the favor and permission of the state. And some, who rank high as Christian philosophers, have not hesitated to declare themselves of opinion that the whole apparatus is as
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superfluous as it is expensive; and that Christianity flourished much more before it formed an alliance with the civil powers, than it has ever done since. And indeed if the French are, as Mr. Burke asserts, a nation of atheists, notwithstanding the inestimable advantages resulting from a religious establishment, mere curiosity would lead us to enquire what they would have been if no such establishment had ever existed. The National Assembly have indeed blasted the prospects of ambition and avarice in the church, by a reduction and equalization of its enormous wealth. They have abolished pluralities; they have enforced residence; they have extinguished patronage. These are the mighty evils they have done. And Mr. Burke, in his profound wisdom, has taken upon him to pronounce, "that in consequence of this arrangement, nothing of science or of erudition can exist in the Gallican church; that all men of sobriety will be driven from the clerical profession, and that the Gallican clergy will be degraded into a set of licentious, bold, crafty, factious, flattering wretches." And he adds, "that the present ruling powers have substituted, for that property of which they have robbed the church, a degrading pensionary establishment, to which no man of liberal ideas or liberal condition will destine his children." But how do FACTS correspond with these weak, rash, and

dogmatical assertions? Do men of liberal ideas and liberal condition in this or any other country, Utopia excepted, really scruple to accept of civil employments for themselves or their children, because they are degraded by the pensionary establishments or pecuniary appointments annexed to them? If not—How will the ecclesiastical dignity be degraded by them? Are not the clergy in Holland, and America, and Switzerland, supported in this manner? Then, why may not the French government adopt the same mode of supporting the French clergy, without being reviled for it by Mr. Burke? And though in the church of Scotland, as now in France, there are no middle classes of clergy, *who are left at their ease*, as Mr. Burke phrases it, or in other words, who possess large revenues and perform no services—“no lordly abbots, purple as their wines”—no downy doctors to slumber and fatten in the stalls of theology—yet it will not be said that nothing of science or erudition exists in the Scottish church, so long as a Robertson, a Campbell, a Gerard, a Blair, and many other names which might be enumerated, continue to adorn and dignify her communion.

Mr. Burke, amongst his other absurdities, entertains the nonsensical notion, that the kingdom of France is by the new government divided and subdivided *chequer-wise* into regular squares, and
squares

squares within squares; a reverie which affords him much scope for idle jests and unseasonable merriment. But his passion is too violent to suffer long restraint, rising at times even into the vehemence and fury of Delphic inspiration.

— Non vultus, non color unus,
Non comptæ mansêre comæ, sed pectus anhelum
Et rabie fera corda tument.

But in the midst of these eccentric flights, and whilst he fancies that he is speaking oracles, he is betrayed into the most egregious errors and inconsistencies. He confounds a Report of the Committee of Constitution relative to the mode of election, with a decree of the National Assembly, thus resting his objections to the system of representation established in France on the united basis of ignorance and cavil. He objects to the Assembly, that it does not hold the authority it exercises under any constitutional law of the state, although the great end and object of their delegation was *to form* a constitution. But to require them to act under the authority of a constitutional law, before the constitution itself existed, is no doubt agreeable to Mr. Burke's theory of the "Sublime and Beautiful" in politics. And the *bulls* of this great infallible are to be received as "mysteries of government," or perhaps "truths too sacred to be discussed."

In descanting upon the state of the French finances, Mr. Burke has deemed it expedient to omit all mention of the territorial impost substituted in lieu of the *gabelle*, and other odious and oppressive taxes now for ever abolished, thus ingeniously contriving to create an annual *deficit* of several millions sterling in the public revenue. And in his exaggerated and tragical accounts of the disorders prevailing in the standing army of France, that standing evil in a free country, he judiciously keeps entirely out of view a circumstance which would "ruin our feelings," and be totally destructive of the stage effect of the piece; viz. that a committee, consisting of a number of the ablest men in France, both civil and military, are actually engaged in framing a plan for its constitutional and permanent organization, and the consequent rectification of those temporary disorders by which Mr. Burke has been so greatly alarmed. The popular assemblies of department, Mr. Burke stiles a collection of independent democracies; and asserts that this republican system can never be governed as one body, or be set in motion by the impulse of one mind; forgetting that the newly established provincial courts are manifestly intended to fill the void created by the extinction of the antient provincial Parliaments; and that he himself lays it down as a maxim, that good policy required them to build

on the antient foundations. And as to the practicability of this system, Mr. Burke might have reflected, that the vast continent of America is at this day governed, as Holland and Switzerland have been for centuries past, by a National Assembly or States General, and a multiplicity of subordinate legislatures, possessing powers far superior to those vested by the new constitution of France in the provincial assemblies or Municipalities.

Mr. Burke insists that the nation is ruined; and says that the leaders of the Revolution tell the people, to comfort them in the rags with which they have clothed them, that they are a nation of philosophers. But it is certain that the commonalty of that kingdom, if they are clothed at all, can scarcely be clothed worse now than they were previous to the Revolution; and the rags of philosophy are, it may be hoped, at least as respectable as the tatters of despotism. The government of France, like that of Athens, as described by Pericles, may now, with a noble pride, boast "that it is popular, because the end of it is the happiness of the people or nation, and not that of a few individuals. In our civil capacities," says that illustrious statesman and patriot, "we all of us enjoy the equal empire of law and equity; and, how different soever may be our stations and conditions, possess the same

privileges, and have equal pretensions to offices of trust and dignity. Respect and consideration are not paid to birth but to merit. Neither poverty nor meanness of condition exclude any one from rising to power or influence, provided he be worthy of them, and capable of serving his country."

But Mr. Burke tells us that the people are grossly deluded; and that those who stand upon that elevation of reason, to which nothing can ascend but the spirit and moral quality of human actions, will say to the teachers of the Palais Royal, "The Cardinal of Lorraine was the murderer of the sixteenth century—You have the glory of being the murderers of the eighteenth; and this is the only difference between you." Is there no difference, then, between a Cardinal of Lorraine, whose robes of function were dyed in human gore—a bigot drunk with the mingled fumes of ambition and fanaticism, whose red arm of vengeance was stretched over a whole nation, to whose slaughterous thoughts direness had become familiar, who triumphed in crimes and delighted in horrors—is there no difference between such a demon incarnate and an Autun or a Seyes, who have consecrated their labours and their talents to the diffusion of liberty, virtue, peace, and happiness, throughout the globe? *Quousque tandem abutere, Catalina, patientia nostra?*

It may be pardonable transiently to notice, however unworthy of notice, the insufferable arrogance and contumely with which Mr. Burke has thought proper to treat the Revolution, and Constitutional Societies, of whom it would be a very poor and inadequate eulogium to declare, that they include many persons whose heads and hearts would not suffer in the comparison with Mr. Burke's. These associations, it seems, have had the misfortune to incur Mr. Burke's high displeasure in consequence of the Address of congratulation moved by Dr. Price, and transmitted by their president, Earl Stanhope, to the National Assembly, on the glorious restoration of the national liberty; and which met with so honorable and flattering a reception from that illustrious body. Mr. Burke, however, tells us, "that he should suspend his congratulations on the new liberty of France, until he was informed how it had been combined with government, with public force, with the discipline and obedience of armies, with the collection of an effective and well distributed revenue, with morality and religion, with the solidity of property, with peace and order, with civil and social manners. The effect of liberty to individuals is, that they may do what they please: we ought to see what it will please them to do before we risk compliments which may be soon turned into complaints,

plaints. Am I to felicitate a madman, who has escaped from the protecting restraint, and wholesome darkness of his cell, on his restoration to the enjoyment of light and liberty? Am I to congratulate a highwayman and murderer, who has broke prison, upon the recovery of his natural rights?" Very extraordinary comparisons these, truly! But, Sir, may we not be permitted, without trespassing too far upon your condescension, to congratulate a fellow-citizen, or even a fellow-man of like passions and feelings with our own, who has miraculously escaped from the horrid dungeons of oppression, on the recovery of his liberty, without waiting till the next century to see what use he will please to make of it? "Grand, swelling sentiments of liberty," Mr. Burke, indeed, tells us "he is sure he does not despise." But if these grand and swelling sentiments are never to be reduced to act, and if the spirit of liberty is to evaporate in high sounding words, instead of producing effects really beneficial to mankind, he would be perfectly justifiable in despising them, as well as those traitor friends of liberty who insidiously and ostentatiously affect to adopt them.

Mr. Burke confesses, however, "that he never liked this continual talk of resistance and revolution, or the practice of making the extreme medicine of the state its daily bread." Now it is
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certain that resistance and revolution have been continually talked of in England for more than an hundred years past; and as no harm has yet resulted from it, Mr. Burke's dislike to this *talk* seems to proceed from a panic so little allied to reason, that it might, on the contrary, be justly deemed an alarming symptom of political degeneracy, whenever resistance and revolution shall cease to be talked of. That the people have an inherent right to resist oppression, to dethrone and punish tyrants, and to provide, by the most effectual means in their power, for their own security and happiness, are it seems undeniable truths; but these truths we are told are not to be prostituted by promiscuous and vulgar communication. No; "this would render the habit of society dangerously valetudinary." Who could have thought that England had such a delicate constitution? As to the practice of "making the extreme medicine of the state its daily bread," it may be useful to hint to Mr. Burke, as the distinction does not appear to have occurred to him, that actual resistance is one thing, and mere talk of revolution and resistance is another. And if Mr. Burke would please farther to reflect that those who have most zealously maintained the abstract theory of resistance have been, under the present happy Establishment, the most distant from wishing to have practical recourse to it, he would surely dismiss

miss his jealous apprehensions, and suffer his "*perturbed spirit*" to rest in peace; or tremble for the safety of those governments only, under the dire oppression of which resistance and revolution are not the subjects of open and unrestrained converse but of deep and silent meditation. After all, it is somewhat surprising to be told by Mr. Burke, "that almost all the high-bred republicans of his time have become, after a short space, the most decided thorough-bred courtiers." And still more so to hear him account for it by declaring "that they were *mere speculatists* who indulged in magnificent reveries, because they never intended going beyond speculation; and who, finding their principles not applicable to cases which call only for a qualified, civil, or legal resistance, in such cases employed no resistance at all, but left the whole task and burden of opposition to devolve upon those whom, in the pride and intoxication of their theories, they regarded as little better than Tories." If, then, these high-bred and turbulent republicans are so easily metamorphosed into thorough-bred courtiers, what has the government to fear from their speculations? Or, how is the state endangered by them? And wherefore the terrific exclamation of Mr. Burke, "Let them not break prison to burst like a Levanter to sweep the earth with their hurricane, and to break up the fountains of
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the great deep to overwhelm us." By a slight touch of the wand of this "Harlequin Grotius," the scene is suddenly reversed; and instead of the stormy Atlantic of anarchy, we shudder at the view of the vast and motionless Pacific of slavery.

In Mr. Burke's wild and impotent attempts to establish the High Tory doctrine of an inherent hereditary right in the monarch, independent of the choice of the people, he entirely forgets that the laws of England are an expression of the will of the people, declared by their representatives; that the law, or rule of succession, derives its force solely from this origin; and while this law remains unrepealed, the inference surely is that the people chuse to be so governed. And though the constitution of England refuses to suppose that the monarch will betray his trust, yet, if this should ever actually happen, who will dare to affirm that the people have not a right to resume the trust so forfeited, and to transfer it to more deserving hands. Or, in other words, that the right of deposing a tyrant, and of conferring the crown upon the man of their choice, does not inhere in the nation? But Mr. Burke pretends "that it would be to repeat a very trite story, to recal to our memories all those circumstances which demonstrate that the *accepting* of King William was not properly a choice." Of these circumstances,

circumstances, however trite they may be, I recollect nothing. The plain fact is, that the infant son and both the daughters of King James were excluded or removed from the succession; and that the crown was offered to the Prince of Orange by the two Houses of Parliament, in the name of all the people of England. And "by a sweeping clause of ban and anathema," all the Catholic branches of the royal family were afterwards superseded to make room for the House of Hanover. "But," says Mr. Burke, "to all those who did not wish to recal King James, or to deluge their country in blood, and again to bring their religion, laws, and liberties, into the peril they had just escaped, it was an act of necessity in the strictest moral sense in which necessity can be taken." This is an evasion almost too gross for the meridian of St. Omer, for what does moral necessity mean, but cogency of motive? Because, therefore, there existed solid, weighty, and urgent reasons, impelling them to make this choice, Mr. Burke would fain persuade us it was no choice at all; and that King William reigned, as he tells us his present Majesty continues to do, in CONTEMPT of the choice of the people.* "This prattling," to adopt Mr. Burke's

* The words of Mr. Burke are literally "in contempt of the choice of the Revolution Society." But if his Majesty reigns

Burke's own polite language, "deserves not the name of sophistry; it is nothing but plain impudence."

It is observable that Mr. Burke, upon all occasions, takes upon him to declare the sentiments of the people of England with as much confidence as if they had actually elected him their public orator, and authorized him to say such things in their name as he may safely defy any of them to understand. "When the people," says Mr. Burke, "have emptied themselves of all the lust of selfish will which, without religion, it is utterly impossible they ever should; when they are conscious that they exercise, and exercise, perhaps, in a higher link of the order of delegation, the power which to be legitimate must be according to that eternal immutable law in which will and reason are the same, they will be more careful how they place power in base and incapable hands." It should seem, therefore, according to Mr. Burke's mystical theory, that the people exercising their power, in a certain order of delegation, have a right to place power in the hands of certain persons, but not to *abuse* the persons in whose hands that power shall be placed. Again, "Persuaded that all things ought to be done with

reigns in *contempt* of the choice of one part of the people, he reigns, doubtless by a parity of reason, in *contempt* of the choice of every part.

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reference, and referring all to the point of reference to which all should be directed, they think themselves bound not only as individuals in the sanctuary of the heart, or as congregated in that personal capacity to renew the memory of their high origin and cast, but also in their corporate character to perform their national homage, &c." And again—"Society is indeed a contract; and each contract of each particular state is but a clause in the great primæval contract of eternal society linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact, sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place." This has at least the merit of being an original definition of the original compact; and it is no doubt agreeable to Mr. Burke's idea of "political reason," which he tells us is "a computing principle, adding, subtracting, multiplying, and dividing, morally and not metaphysically or mathematically, true moral denomination." And in applying this principle to the investigation of the rights of man, it must ever be remembered, "that in proportion as they are metaphysically true, they are morally and politically false;" which clearly proves, to the confusion of "the shallow and short-sighted coxcombs of philosophy," that truth not only may be but actually is at eternal
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and irreconcilable variance with itself. Such, to assume a more serious tone, is the *Babylonian jargon* with which politicians by profession, shrouded in the veil of mystery, insult the understanding of mankind: and on the strength of which they arrogate, without a blush, all wisdom, knowledge, and even honesty to themselves. And whoever attempts to diffuse rational ideas on the subject of government, in language level to common capacities, must expect to be abused and vilified as an enemy to the peace and order of society, and a factious disturber of the public tranquillity. Or, at best as a blunderer, who "mistakes the deviation from the principle as the principle itself;" that is, who maintains resistance to be the general rule of conduct, and obedience merely the deviation from it.

Mr. Burke asserts, "that no government could stand a moment if it could be blown down with any thing so loose and indefinite as an opinion of misconduct." But might not the Mufti of Constantinople say the very same thing in defence of the Turkish government? And did it never occur to this veteran politician, that there are degrees of misconduct? And as on the one hand, a government neither can nor ought to be *blown down* by slight and occasional instances of misconduct; on the other Mr. Burke himself will allow, that for radical and incorrigible misconduct, a

government may be *blown down*, "provided it is done with dignity." Mr. Burke's remark, therefore, is either futile or false; and the gross abuse levelled at Dr. Price on this head is manifestly founded on still more gross misrepresentation. The sentiments of Dr. Price, respecting the general theory of government, do not, in fact, at all differ from those of SOMERS, LOCKE, HOADLEY, HELVETIUS, MONTESQUIEU, and the long train of illustrious writers in both kingdoms, who have maintained or admitted that the people are the fountain of all just power, and that oppression is a sufficient ground of resistance. When Dr. Price speaks of the right of the people to choose their own governors, to depose them for misconduct, and to frame governments for themselves, can any one be really absurd enough to believe that he is speaking of the maxims of common or of statute law? We all know that the English constitution supposes, and wisely supposes, that the King can do no wrong; and it is certain that no government can expressly authorize resistance against itself. Will Mr. Burke pretend that the Revolution in England was an event to be justified by an appeal to the *forms* of the constitution; which must necessarily regard resistance as rebellion? No; but the public safety required a deviation from forms. And how, in the name of common sense, with
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which the fine sense of Mr. Burke seems to have very little connection, is that deviation to be vindicated, but by resorting to the original and primary principles of government, as stated and defended by Dr. Price? Almost in the same breath, indeed, in which Dr. Price is impeached for inculcating treasonable doctrines, Mr. Burke himself admits that a tyrant may be deposed, and even punished, "provided it is done with dignity." But however dignified Mr. Burke's plan of resistance to tyranny might be, most assuredly in the execution of it, or "in reducing his principles to practice," he would not incur less personal risk from the penalties of the law than Dr. Price; so that his imperious scorn, which knows no distinction between a Cataline and a Cato, a Jack Cade and a Hampden, a Peters and a Price, may be with equal and retorted scorn repaid.

In reply, however, to the clear and simple position of Dr. Price, that the people have a right to cashier their governors for misconduct, Mr. Burke farther says, "The question of dethroning, or if these gentlemen like the phrase better, cashiering Kings, will always be, as it has always been, an extraordinary question of state, and wholly out of the law—a question, like all other questions of state, of dispositions, and of means, and of probable consequences, rather than of positive rights. As it was not made for common

abuses, so it is not to be agitated by common minds: the speculative line of demarcation where obedience ought to end, and resistance must begin, is faint, obscure, and not easily definable. It is not a single act or a single event which determines it. Government must be abused, and deranged indeed, before it can be thought of: and the prospect of the future must be as bad as the experience of the past. When things are in that lamentable situation, the nature of the disease is to indicate the remedy, to those whom nature has qualified to administer in extremities this critical, ambiguous, bitter potion, to a distempered state. Times, and occasions, and provocations, will teach their own lessons. The wise will determine from the gravity of the case; the irritable from sensibility to oppression; the high-minded from disdain and indignation at abusive power in unworthy hands; the brave and bold from the love of honorable danger in a generous cause—but with, or without right, a revolution will be the very last resource of the thinking and the good.” In this passage the confusion of ideas almost invariably pervading the reasonings of Mr. Burke, is such, that he does not at all distinguish between the abstract question of the lawfulness of resistance to oppression; the question relative to the degree of oppression which will justify resistance; and the ques-

tion concerning the expediency of resistance, supposing the justice of it previously ascertained; which is very different from either. Dr. Price merely affirms the abstract right in general terms; a right which Mr. Burke could not venture expressly to deny: and therefore he preposterously blends and confounds abstract and concrete, and represents the whole amalgamated mass of absurdity as a grand and complicated question of state, not to be agitated by common or vulgar minds. But how is the theory of Dr. Price affected by the idle and ostentatious observations of Mr. Burke? They are manifestly irrelevant, and totally foreign to the purpose of his argument: for, clear as the abstract principle doubtless is, every one will allow, that the right and seasonable application of it demands the highest exertions of wisdom, knowledge, and ability. As to Mr. Burke's favorite notion, that there are extraordinary questions of state which ought not to be agitated by common minds, I must acknowledge myself unacquainted with any "line of demarcation," or standard of intellect, by which men can be justly precluded from agitating any question they think proper. "But it is the misfortune of the present age," as we are told by Mr. Burke, "that every thing is made the subject of discussion." And if men of *common minds* would renounce the trouble of investigation, and suffer

men of "fire and fancy," like Mr. Burke, to inform them what they are to believe, "the dignity of thinking of the fourteenth century" would no doubt be very speedily restored amongst us. "But, alas! the glory of Europe is extinguished for ever:" and it is now asserted to be the equal right of all to see with their own eyes, to hear with their own ears, and to judge with their own understandings.

Mr. Burke's indignation rises very high against Dr. Price, for asserting that the King is no more than the first servant of the public, created by it, and responsible to it. But is it the will of the community, or is it his own will that a King is bound to execute? If the public will, then in the clearest and most intelligible sense of the term, he is the servant of the public, however elevated his commission, or whatever stress Mr. Burke may choose to lay on the profane titles of Sovereign Lord and Sacred Majesty, by which, in the language of feudal barbarism, he is sometimes distinguished*. But farther,
Kings,

* The notion promulgated by Mr. Burke, after lying many years dormant—that questions of state ought not to be agitated by common minds—rests, it must be acknowledged, upon high and remote authority. The British Solomon, King James I. in a royal Proclamation, issued *A. D.* 1621, commanded his subjects, "on their allegiance, not to intermeddle, by pen or speech, with state concerns and secrets

Kings, as Dr. Price affirms, are created by the people. This Mr. Burke will not admit; and seems rather of opinion that they are of an essence increate, or that they created themselves, or perhaps that they derive their origin, like the Incas of Peru, from the sun and the moon. Lastly, Kings are responsible to the public. "It is false," exclaims Mr. Burke.—"Our constitution knows nothing of a magistrate like the *Justicia* of Arragon, nor of any court legally settled for submitting the King to public responsibility." But there is a constitution, ignorant as Mr. Burke may be of its existence, the authority of which extends not over England only, but the whole globe; a constitution founded on the basis of eternal reason, which declares the safety of the people to be the supreme law. Therefore, to transcribe the ever memorable words of Sir William Blackstone, "Though the oppressions

of empire, either at home or abroad, which were not fit themes for *vulgar persons*." When, however, Mr. Burke expresses such indignant resentment at hearing the King stiled "the servant of the public," he goes a step beyond James himself; for this monarch, in answer to an Address of the Commons, *A. D.* 1603, says, "that I am a servant of the state is most true: I will never be ashamed to confess it my principal honor to be the great servant of the COMMONWEALTH." In the ears of Mr. Burke, doubtless, the oriental appellations of "rose of beauty," and "nutmeg of delight," found far more decorous and rational.

of the sovereign power must necessarily be out of the reach of any stated rule or express legal provision, if they ever unfortunately happen, the wisdom of the times must provide new remedies upon new emergencies. And when desolation advances with gigantic strides, mankind will not be reasoned out of the feelings of humanity; nor will sacrifice their liberty by a scrupulous adherence to those political maxims which were at first established to preserve it." The celebrated Hume also, who has often been stigmatized as a Tory, though the Toryism of Hume is, in my opinion, far preferable to the Whiggism of Burke, hesitates not to say, "That common sense teaches us, that as government binds us to obedience only on account of its tendency to public utility, the duty of allegiance must always, in extraordinary emergencies, yield to the primary and original obligation." And he adds, that the *ONLY* question among good reasoners respects the *degree* of necessity which can justify resistance, and render it lawful or commendable. And though he considers, for just and weighty reasons which he enumerates, resistance to be the last refuge in extreme and desperate cases, he advances, with his characteristic good sense, two arguments in vindication of those who have inculcated, with unremitting zeal, a theory so practically dangerous. The first is the extravagant

gant height to which their antagonists have carried the doctrine of obedience, which, as he says, made it necessary to insist upon the exceptions, in order to defend the injured rights of truth and liberty. The second, which he files the better reason, arises from the very nature of our constitution, which establishes the irresponsibility of the monarch, because of the impossibility of providing a superior power, in the ordinary course of law, to chastise the exorbitances of the sovereign power. But as a right without a remedy would be an absurdity, the remedy in this case is, as he tells us, the extraordinary one of resistance, when the constitution can be no otherwise defended. Resistance, therefore, is a doctrine consonant to the spirit of the constitution: and in a free country, which has at the same time limited the sovereign by law, and placed him in his own person beyond the reach of the law, it ought never, agreeably to the whole scope of his judicious and animated reasoning, to be forgotten or lost sight of, and certainly much less to be artfully disguised or studiously concealed.*

So far indeed is Dr. Price from advancing any doctrines new or strange on the subject of government, that we find the venerable Hooker

* Hume's Essays, Vol. I. p. 487-90.

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inculcating the same radical sentiment 200 years before him. "Government was originally ordained," says that justly admired writer, "by mutual agreement amongst men yielding themselves subject thereunto: that unto whom they *granted* authority to rule and govern, by them the peace, tranquillity, and happy estate of the rest might be procured. And the public power of every society, being above every soul contained in the same society, must be obeyed, UNLESS there be reason shewed which may necessarily enforce, that the law of reason or of God doth enjoin the contrary. For men always knew that where force and injury was offered they might be defenders of themselves. LAWS they are not which PUBLIC APPROBATION hath not made so: and for any prince or potentate of what kind soever upon earth to exercise the power of making laws of himself, is no better than mere tyranny." And he elsewhere tells us, "that to live by one man's will became the cause of all men's misery." How does this differ, except as *lemma* and *corollary* differ, from the assertion of Dr. Price, that a King of England is almost the only lawful monarch upon earth, because almost the only one who governs by the choice or consent of the people? Hooker no less than Price saw with indignation the sacred rights of man flagrantly violated and trampled upon

upon by the arbitrary domination of princes: and Mr. Burke might affirm of the former as truly as of the latter, "that he proclaims usurpers by circles of latitude and longitude over the whole globe." Happily the reputation of Hooker, now consecrated by time, rises far above the reach of Mr. Burke's malevolence. But had that great man published his immortal work in the present day, he would have been doubtless insulted in the language of ineffable pride and scorn, "as a political theologian or theological politician, equally ignorant of the character he left and of that he assumed."

But if Kings who did not owe their crown to the choice of their people, nor founded their right to govern on the public approbation, had no right to make laws, what, exclaims Mr. Burke, will become of the statute *de tallagio non concedendo*—of the *petition of right*—of the Act of *Habeas Corpus*—laws of inestimable value to our liberty? Not to mention that these were all just and wise provisions, originating with the popular branch of the legislature, to which the assent of the monarch was given with the highest degree of public approbation, it is plain that Mr. Burke in his affright forgets what in his calmer moments he readily concedes—that government is founded upon utility; being, as he somewhere expresses it, a contrivance of human wisdom to provide
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for human events. That regard to general utility, therefore, from which government first originated, creates also a civil obligation of obedience to established governments, by which this end is in any degree attained, though constructed on principles manifestly unjust and unlawful, if resistance offers no probable or reasonable prospect of advantage or redress. And if a free government be afterwards established, the laws of the former government which remain unrepealed are virtually and substantially confirmed. So that if the throne of England had been “stained with the blot of a continual usurpation previous to the Revolution,” the laws which he enumerates would now rest precisely upon the same foundation of authority with the laws subsequently enacted—a great *mystery of government* this, absolutely incomprehensible by great geniuses, and intelligible only to men of *common minds*.

But to be serious—How unlike and how inexpressibly superior appears the clear and manly sense of Blackstone, Hume, and Hooker, to the perplexed and gaudy sophistry of Burke! from whose work, if any one can extract a just and rational, or indeed any intelligible theory of government, *erit mihi magnus Apollo*. Evidently possessing no clear or distinct ideas upon the subject, he is alternately engaged in defending and opposing

opposing the same radical positions. His feelings, however, are much more easily developed than his principles; and that delicate sensibility with which he sympathizes in the sufferings of the great—extending itself even to “the killing languor and over-labored lassitude” of those whose sole and dire misfortune it is to have nothing to do—is every where contrasted by a proud and stately apathy for the miseries of the people, or as Mr. Burke chuses to stile them, the “swinish multitude.”

Upon the whole this book of Mr. Burke exhibits a striking illustration of the observation of Selden that “no man is the wiser for his learning,” or, as he might have added, for his wit or his eloquence; for a performance so weak, so incoherent, so destitute of argument and information; written so much at random, and at the same time in a stile so peculiarly insolent, the English language affords, perhaps, no example of. “First your logic, and then your rhetoric,” says that justly celebrated writer; but *this* is the performance of a mere rhetorician, who fancies that a pompous flow of words and a gorgeous glare of imagery render all attention to sense and consistency needless. It is a book dangerously calculated to soothe the pride, to dazzle the imagination, and to inflame the ambition of Kings. It has a tendency to repress or rather to extinguish

guish every generous emotion of the soul, and to plunge us again into the chaos of Gothic ignorance and darkness. Amongst all his bold assertions, what is it that Mr. Burke has *proved*? or rather what is it that he has even attempted to *prove*? He has affirmed that France was previous to the Revolution in possession of a good constitution. But instead of developing, with political or philosophical accuracy, the principles of this constitution, and the beneficial effects of those principles as they operated upon the community at large, he talks only of “her fame in war; of the flourishing state of those arts which beautify and adorn life; of her able statesmen; of her profound lawyers and theologians; her philosophers, her critics, her historians, and antiquaries; her poets and her orators, sacred and profane;”—not in the least recollecting, that when he had another purpose to serve, he had himself stigmatized this government as “a RELENTLESS DESPOTISM—a despotism indeed proudly arrayed in manners, gallantry, splendor, magnificence, and even covered over with the imposing robes of science and literature.” He has also affirmed, that the present constitution is “a senseless and barbarous constitution; subversive of the public order, dignity, and happiness. But upon this subject not merely his inveterate prejudices, but his gross ignorance of facts, evidently

dently and totally disqualify him from forming any judgment. He has affirmed, that a radical and permanent reform might have been effected in the state without tumult or bloodshed. But it is certain, that if the ancient mode of voting by orders had been adopted by the assembly, the *Tiers Etat*, or the representatives of the people, would have been degraded into mere cyphers; that the business of reform must have been entirely left to the crown, acting in concert with the nobles and clergy; and who besides Mr. Burke would deem it expedient to leave the oppression to be destroyed by the oppressors? The conjunction of the three orders, so opposite to the views of the aristocratic faction, was succeeded by the most alarming measures on the part of the court. A formidable military force was collected, and the National Assembly menaced with instant destruction. In these circumstances the insurrection of July was not, as Mr. Burke styles it, "an abominable sedition," but a great and glorious effort of the people in defence of themselves and their representatives. Nor did the danger of a counter revolution cease, till the person of the monarch was, by another daring exertion of irregular, though salutary violence, subjected to those severe restraints which cannot even now be with safety removed.

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In fine, Mr. Burke has affirmed that it is no less than high treason to maintain that the people have an inherent right to chuse their own governors, to depose them for misconduct, and to frame new governments, in case of the incompetency or delinquency of the former governments, for themselves. Consequently, the two Houses of Parliament and all the people of England were guilty of high treason in deposing King James, and in placing King William on the throne; and the throne of England since the revolution has been "stained with the blot of one continual usurpation."

In this new species of Gothico-historical romance, are indeed interspersed many very old and sage reflections on the evil and danger of innovation as such, whether civil, political, or religious. "To avoid the evils of inconstancy and versatiliſy, ten thousand times worse than those of obstinacy and the blindest prejudice, evils by which the whole chain and continuity of the commonwealth would be broken, and no part of life would retain its acquisitions; we have, as Mr. Burke is pleased to express himself, *consecrated* the state, that no man should look into defects or corruptions but with due caution; that he should approach them with pious awe and trembling solicitude." But, alas! men of *common minds*, viewing things only in a common way,
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are not accustomed to regard acknowledged defects and corruptions with that holy reverence which Mr. Burke recommends. And notwithstanding the general excellence of that constitution of government, which was established at the æra of the Revolution, it appears to them that various corruptions and defects still exist much more calculated to excite indignation than "pious awe." Such, for instance, is that over-ruling influence of the crown, which has now arisen to such an alarming height of presumption as openly to claim the uninformed, unlimited, unfailing confidence of Parliament in the rectitude of all its transactions, as its constitutional right. Such, also, is that radical defect in the system of parliamentary representation, which so materially detracts from its dignity and authority, as to embolden the ministers of the crown to insult the legislature by this daring language without risking the punishment due to their temerity. In other, and better times, the perpetuation of a formidable standing army in time of peace was accounted an evil; to which may be added the existence of a second army of placemen and pensioners, scarcely less numerous and maintained at the public expence in luxurious idleness; while the commonalty of the realm are groaning under the oppression of a grievous and almost intolerable load of taxes, imposed for the support of

an enormous peace establishment, and the payment of the interest of an incredible public debt, contracted by folly the most egregious, to gratify ambition the most pernicious. These are amongst the evils which Mr. Burke thinks we ought to approach with pious awe and trembling solicitude. And of these defects and corruptions if the nation should demand a radical reform, as the true mode of "consecrating the state," Mr. Burke would turn pale with apprehension "lest the commonwealth itself should in a few generations crumble away, be disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven."

Ever the obsequious and devoted admirer of antiquity, Mr. Burke even deems it a subject of triumphant boast that little or no alteration has been made since the fourteenth or fifteenth century in our old Monkish institutions and Gothic modes of education; "adhering," says he, "in this particular, as in all things else, to our old settled maxim not entirely or at once to depart from antiquity." It should seem, therefore, that when any proposition, apparently conducive to the public improvement, is advanced, that Mr. Burke thinks it the part of wisdom to take four or five hundred years to *consider* about it. "We thought," says he, "these old institutions capable of receiving and meliorating, and above all, of preserving

preserving the accessions of science and literature as the order of providence should successively produce them." This being the case, therefore, and these old institutions being found "capable of meliorating the accessions of science produced by the order of providence," it was very properly and discreetly judged, according to Mr. Burke, to leave in return the order of providence to meliorate the defects of the old institutions.

After all this astonishing display of wisdom, a man of *common* understanding will probably be still inclined to ask, "Is every idea of reformation or improvement then chimerical and absurd, because innovation is or may be attended with hazard? Undoubtedly it is the part of true policy to investigate and discriminate; to observe the signs of the times, and to attempt only what is feasible as well as beneficial. That in France nothing has been attempted but what was feasible, the success of the attempt plainly demonstrates; and the people by whom and for whom this change was wrought are perfectly satisfied that it will prove highly beneficial. In these circumstances, therefore, for a man to seat himself in the chair of wisdom, in order to read a tedious and pompous lecture filled with trite and common-place maxims of policy and prudence; or, in the language of Shakespeare, "to *expostulate*

What majesty should be, what duty is,
 Why day is day, night night, or time is time,
 Were nothing but to waste night, day, and time."

Elate, however, with the idea of being a statesman born and bred, Mr. Burke reproaches the French nation for calling in the aid of philosophy in framing their new plan of government, and of philosophers in general, he speaks upon every occasion with the most sovereign disdain; seriously referring us for a true idea of their character and estimate of their merits to Swift's whimsical romance of Laputa. But were not LOCKE, HUME, MONTESQUIEU and FRANKLIN, philosophers? And if such men as these are not to be consulted, from whom are the vulgar race of mortals to expect assistance and illumination in cases of doubt and difficulty? Not surely from proud, positive, and passionate dogmatists, the avowed enemies of discussion, who sigh for the return of the ancient times of chivalry, that golden age of aristocracy, and who are so blindly and obstinately attached to old prejudices, that they even profess to cherish them because they *are* prejudices. Besides, Mr. Burke should consider, before he vents his rage against philosophy, that it might have pleased Heaven to have made him a philosopher; though so clear it must be owned does his character now stand from any suspicion of this nature, that, to
 adopt

adopt the words of Mr. Locke in speaking of Sir Robert Filmer, "If any one will be at the pains to strip his discourse of the flourish of doubtful expressions, and endeavour to reduce his words to direct, positive, and intelligible propositions, and then compare them with one another, he will be quickly satisfied there was never so much glib nonsense put together in well sounding English."

Upon a calm review, however, of Mr. Burke's extravagancies, indignation gradually subsides into contempt, and we receive with indulgence the apology which candor is eager to offer for the recent conduct of this hot and heady old LEAR of the political drama—" 'Tis the infirmity of his age—yet he hath ever but slenderly known himself; the best and soundest of his time hath been but rash—then must we look from his age to receive not alone the imperfections of long-engrafted condition, but therewithal the unruly waywardness and inconstant starts that infirm and choleric years bring with them."

ESSAY XXVI.

EXAMINATION OF AN APPEAL FROM THE NEW
TO THE OLD WHIGS.

THE APPEAL opens with a formal complaint, that the parliamentary friends and associates of Mr. Burke have discarded him from their connection; “that when his only aim was ‘*petere honestam dismissionem*,’ they have not chosen to grant him this boon; that they in effect tell him he has loaded the stage too long; that they conceive it to be a harsh but necessary office to declare to the present and future times, that by one book he has disgraced the whole tenor of his life.” From this sentence Mr. Burke appeals to the judgment of all impartial men—he appeals from the living to the dead—from the modern Whigs to the ancient. In making this Appeal Mr. Burke means, *First*, to vindicate his principles and public conduct, as perfectly consonant to the dictates of right reason; and, *Secondly*, to shew that they are corroborated by the sentiments and authority of those who have long been regarded as the most unexceptionable models of true and genuine Whiggism.

1st, "If," says Mr. Burke, "any number of British subjects, taking a factious interest in the proceedings of France, begin publicly to incorporate themselves for the subversion of nothing short of the whole constitution of this kingdom; to incorporate themselves for the utter overthrow of the body of its laws, civil and ecclesiastical, and with them of the whole system of its manners, in favor of the new constitution, and of the modern usages of the French nation; I think no party principle could bind the author not to express his sentiments strongly against such a faction.—Is it wrong, in any sense, to render the people of England sensible how much they must suffer, if unfortunately such a wicked faction should become possessed, in this country, of the same power which their allies in the very next to us have so perfidiously usurped, and so outrageously abused?" Certainly, if such seditious proceedings as Mr. Burke describes were openly carried on with impunity, it argues the most extraordinary indulgence, or rather the most culpable remissness on the part of the government, that the history of any age or country affords an example of. If a charge of this magnitude be founded on truth, why is it not supported by specific proofs, instead of being brought forward in a manner so vague and general, as to admit of no other refutation than a simple denial.

When Mr. Burke was called upon again and again in Parliament for evidence of these allegations, was he not reduced to the ignominious necessity of exhibiting himself to the whole world in the light of a PUBLIC DEFAMER? And it appeared that these malignant ebullitions of passion were excited merely by the peaceable and amicable associations formed in divers parts of the kingdom, to celebrate the establishment of a free constitution in France! It is true that Mr. Burke is pleased to assert, "that the new constitution of France is a foul, impious, and monstrous thing, wholly out of the course of moral nature; that it is a tyranny far beyond any example that can be found in the civilized European world of our age; that it is so fundamentally wrong as to be utterly incapable of correction, or of being formed into any rational mode of civil polity." But as others were under no obligation, civil or moral, to adopt these strange opinions; as many conceived, on the contrary, that this new constitution was very favorable to the liberty and happiness of the French nation, and the world at large, they could discern no impropriety or indecorum in celebrating its establishment; bearing, as it certainly must be allowed to do, a more striking analogy to the constitution of this country than to any other now existing. In respect to those points in which they

they differed, a variety of opinions would necessarily prevail. What some regarded as defects would to others appear improvements. But by what new species of tyrannic restraint is it possible to prevent men from forming their own speculative conclusions, on subjects of sufficient magnitude to become the theme of general discussion. The constitution of our own country is so radically and practically excellent, that to attempt any reformation even of its abuses by violent means, would be in the highest degree criminal; and the nefariousness of the attempt could only be equalled by the folly and madness of it. Even admitting the abstract superiority of the constitution of France, still we may, with the highest consistency and propriety, say with Mr. Pitt, "that the constitution of England is best for us in our circumstances;" and whatever gradual improvements may take place, can only be desirable when effected under the sanction and authority of the supreme power of the state. It is, as Mr. Fox happily observed, the great and characteristic excellence of the English constitution, that any thing good may be engrafted upon it. But the people of England neither will or ought to be in haste to engraft upon it regulations, however specious in theory, which are grounded in no political experience, nor arise from any obvious necessity. In framing a constitution
wholly

wholly new, the French nation were fully warranted in their endeavors to attain what to them appeared the standard of political perfection. But our constitution is actually formed; we know that the great ends of government are answered by it. And though it would be absurd to pretend that it is incapable of improvement, and absolutely free from imperfection, the privileges and advantages we possess are far too great to leave room for the hesitation of a moment, whether it be adviseable to seek for an extension of our liberties, or a redress of our grievances, at the risk of involving ourselves in civil contentions and commotions. But can any parallel be drawn between the situation of this country and that of France? The French nation had long groaned under a vile and oppressive yoke. By an unprecedented exertion of heroic valor, they, by one grand effort, annihilated the despotism of a thousand years, and established, by general consent, that form of government which appeared to them most equitable and eligible. In order to justify our congratulations upon this happy change, were we bound to enquire with scrupulous accuracy into the complex machinery of this new constitution, and to refrain from expressing any marks of approbation if we perceived it to deviate in any respect from the constitution of our own country? No, certainly;
it

it is sufficient if we discern in it the general characteristics of a free government. It is enough if they themselves are satisfied with it, and happy under it. For surely it will not be denied, that freedom may subsist under a variety of forms of government; and these different forms may be wisely and happily adapted to the different situations and circumstances of different nations. Are we so devoid of liberality, as to suppose it incumbent upon every other people to adhere precisely to the model of our constitution? Nothing can be weaker, more false and injurious, than to infer, that those who rejoice in the Revolution of France are desirous of effecting a similar Revolution in England. The former is a just subject of exultation—the latter of abhorrence. And to pretend that those who celebrate the one must meditate the other, is, to borrow the words of Mr. Burke, “the vision of a distracted brain, or the invention of a malicious heart.” Nor are the effusions of indiscreet warmth and honest enthusiasm to be hastily branded as proceeding from disaffection to the government. Should any one, for instance, hold up to public execration “that corrupt influence which is itself the perennial spring of all disorder, which takes away all vigor from our army, wisdom from our councils, and every shadow of authority and credit from the most venerable

rable parts of the constitution *," ought he not rather to be applauded for his zeal, than censured for his rashness? Has not the inequality of the national representation been a continual theme of regret and reproach? Have not efforts been repeatedly made by the best and wisest of our senators to remedy this defect? Has not Mr. Pitt himself brought forward motion after motion for this purpose? Has he not declared that he will never lose sight of it, and that it shall be the great object of his life to accomplish this reform? Why then are those entertaining the same general opinion with this admired and applauded minister to be vilified and abused as enemies to their King and country, for stiling the House of Commons, as at present constituted, in the language certainly of rhetorical exaggeration, but with much too near an approach to truth, "a shadow and mockery of representation?" Is no man at liberty to adopt a bold and glowing expression but Mr. Burke? And does he mean to claim an absolute monopoly of all the tropes and figures in the compass of language? There was a time when Mr. Burke talked in a manner very different, and far less courtly: there was a time when he thought himself privileged to use expressions at least as bold and as pointed as those which he would now represent as seditious, sedi-

* Vide Burke's Speech on Reform, p. 1.

tious,

tious, and even treasonable. In his celebrated pamphlet, intitled, "Thoughts on the Causes of the present Discontents," we find a variety of curious passages, which plainly prove, that when Mr. Burke happens to be out of humour with the government, the most unrestrained liberty of speech is perfectly constitutional; as on the contrary it is now equally clear, that when he is pleased to declare himself satisfied, it is presumption and temerity for any one else to pass the slightest censure even upon that which he himself formerly reprobated and condemned in terms of the most poignant severity. From this well known pamphlet it appears that Mr. Burke was once of opinion, "that the virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the nation. An addressing House of Commons and a petitioning nation; an House of Commons full of confidence when the nation is plunged in despair; who vote thanks when the public opinion calls upon them for impeachments; who are eager to grant when the general voice demands account; who in all disputes between the people and administration presume against the people; who punish their disorders, but refuse even to enquire into the provocations to them; this is an unnatural, a monstrous state of things in this constitution. Such an assembly is not to any popular

popular purpose an House of Commons. This change, from a state of delegation to a course of acting as from original power, is the way in which all popular magistracies in the world have been perverted." And he tells us, "that for his part, he shall be compelled to conclude *the principle of Parliament to be totally corrupted, and therefore its ends to be entirely defeated*, when he perceives two symptoms:—First, a rule of indiscriminate support to all ministers; and secondly, the setting up any claims adverse to the right of a free election." And he undertakes to prove, that these two symptoms did at that time actually and evidently exist. But if the principle of Parliament is totally corrupted and its ends entirely defeated, what more can be wanting to justify any man in stiling it "a mockery of representation?"

Mr. Burke farther tells us, "that a strenuous resistance to every appearance of lawless power, a spirit of independence carried to some degree of enthusiasm, an inquisitive character to discover, and a bold one to display every corruption and every error of government, are the qualities which justly recommend a man to the favor and confidence of the people." He even scruples not to assert, "that in the situation in which we stand, with an immense revenue, an enormous debt and mighty establishments, he sees no other way

way for the preservation of a decent attention to public interest in the representative body, but the INTERPOSITION of the PEOPLE, whenever it shall appear to be necessary to hold the constitution to its true principles. The distempers of monarchy were the great subjects of apprehension and redress in the last century; in this the distempers of Parliament, and it is not in the Parliament alone that the remedy for parliamentary disorders can be completed. Hardly, indeed, can it begin there. It is not support that is wanting to government, it is reformation." And arguing in defence of political connections and associations, he observes, "that unconstitutional statesmen have always represented connection and faction as equivalent terms; and the reason is evident. Whilst men are linked together they easily and speedily communicate the alarm of any evil design; they are enabled to fathom it with common counsel, and to oppose it with united strength. When bad men combine the good must associate, else they will fall one by one an unpitied sacrifice in a contemptible struggle." "Certain," says he, "it is, that the best patriots in the greatest commonwealths always commended and promoted such connections. *Idem sentire de Republica*, was with them a principal ground of friendship and attachment. The ROMANS, in particular, carried this principle a great way. This whole

whole people were distributed into particular societies, in which they acted in support of such interests in the state as they severally affected. This wise people believed friendship to be no mean step towards patriotism. It was their wish to see public and private virtues harmoniously combined, and growing out of one another in a noble and orderly gradation."

And again; "Critical exigencies will arise. This, if I am not mistaken, is one of them. Men will see the necessity of honest combination: but they may see it when it is too late; and they may at length find themselves under the necessity of CONSPIRING instead of consulting." Who in reading these and similar passages is not lost in indignation and astonishment at the matchless effrontery of a man, who in his angry moods can indulge himself in such unbounded licence of speech; and yet affect to apprehend danger from, and dare to impute criminal disaffection to those, who in comparison with himself may be considered as guarded and cautious writers? What a torrent of furious and malignant declamation would not this political PROTEUS have poured forth, had Dr. Price or Dr. Priestley talked of the probable necessity of *conspiring against the government*, or recommended an *interposition of the people* as the only means of restraining the unconstitutional innovations of the legislative body!

The

The only circumstance which gives any plausible color to Mr. Burke's charge of faction and sedition, is the approbation publicly expressed of the famous pamphlet of Mr. Paine by the Constitutional Society; Mr. Burke having diligently selected divers of the most exceptionable passages in that performance as a fair sample of their political principles. But Mr. Burke would have done well to recollect that Mr. Paine's pamphlet was incomparably the fullest and ablest reply to his own book which had then appeared*, and the only one which had treated it with the contempt it deserved. It is no wonder therefore that the Society was desirous to promote its circulation, "as a masterly refutation of an audacious libel." But in their subsequent very proper disavowal of the republican principles of Mr. Paine, they refer to their successive publications as demonstrative of their attachment to the constitution of their country. "We only contend," say they, "with a zeal suitable to

* The gallantry of the age would however sustain indelible reproach could it be forgotten, that to the pen of a Lady we owe the earliest "Vindication of the Rights of Man" in this memorable controversy:

Thus never knight with mortal arms essay'd
The castle of proud Busyrane to quell,
Till Britomart her beamy shield display'd,
And broke with golden spear the mighty spell.

the importance of the subject, for the revival of forms approved by experience, and derived from principles the most simple and ancient. Defended by the shield of conscious integrity, we dread not the darts of loquacious calumny. It was never in our contemplation to extend a reform beyond the manifest corruptions of that part of it which the people at large have an undoubted right to create; and reflect with perfect satisfaction on no other mode of redress than what the established forms of the constitution may sanction." In Mr. Paine's attack upon monarchy there is certainly much virulence, and I think much weakness; and it is truly to be regretted that a performance, in many respects so excellent, should be disgraced by such strange eccentricities.

Mr. Burke very deeply laments that he was not permitted, in the discussion which took place on the Canada Bill, to expose in their true colors the iniquity and absurdity of the new constitution of France, which, as it was not proposed to establish that constitution in Canada, seemed to the House of Commons entirely superfluous. "If," says he, "it had been permitted to Mr. Burke, he meant to DEMONSTRATE that the French constitution was not a comparative good but a positive evil; that the Revolution in France established neither a monarchy nor a republic;
but

but that it was a wild attempt to methodize anarchy, to perpetuate and fix disorder. He proposed to prove that the present state of things in France is not a transient evil productive of a lasting good, but that it is only the means of producing future, and if it were possible worse evils. He would have shewn distinctly that what the Assembly, *calling itself National*, had held out as a large and liberal toleration, is in reality a cruel and insidious persecution; that this persecution is not against a variety in conscience, but against all conscience; that it professes contempt towards its object, and unites the opposite evils of intolerance and indifference. He would have shewn, that the universal peace and concord amongst nations which these common enemies of mankind hold out was a coarse and clumsy deception. He was prepared to shew the *madness* of their declaration of the pretended rights of man, and the mischievous tendency of all such declarations. He was prepared to shew, that the Assembly had violated every principle of government, just or unjust. In a word, he was ready to shew that those who could, after such a full and fair exposure, continue to countenance the French insanity, were not mistaken politicians but bad men." All these allegations, apparently better calculated for the meridian of St. Luke's than St. Stephen's, he tells us he was

ready in his place to support by decisive evidence—by arguments which could not be refuted—by documents which could not be questioned.

Now with all possible deference and submission to this great statesman and orator, I conceive that the very same evidence which would have sufficed so decisively to prove all these marvellous positions *in* the House of Commons, would equally avail to establish them out of the House. Why then does not Mr. Burke produce his strong reasons? Why, after publishing pamphlet after pamphlet, are we still left to guess what these reasons are? Why instead of DEMONSTRATION does he substitute high-flown declamation and passionate abuse? Although Mr. Fox in the debate alluded to expressly declared, that on the subject of the French Revolution his sentiments and those of Mr. Burke were far as the poles asunder, describing it in the glowing language of eloquence, as “the most stupendous and glorious edifice of liberty which had been erected on the foundation of human integrity in any time or country”—Mr. Burke is willing to believe, that “he did not mean to make the construction of the new fabric the object of his panegyric, but the destruction of the old.”—“He did not mean,” Mr. Burke tells us, p. 17, “to applaud that monstrous thing, which by the courtesy of France they call a constitution. Far from merit-
ing

ing the praises of a great genius like Mr. Fox, it cannot be approved by any man of common sense or common information. He cannot admire the change of one piece of barbarism for another and a worse. He cannot rejoice at the destruction of a monarchy mitigated by manners, respectful to laws and usages, and attentive to public opinion, in favor of the tyranny of a licentious, ferocious, and savage multitude, without laws, manners, or morals, which insolently endeavors to alter all the principles and opinions which have hitherto guided the world. His mind is made to better things." Formerly, however, Mr. Burke was of opinion, "that in all disputes between the people and their rulers, the presumption was in favor of the people. The people," says he, "have no interest in disorder. When they do wrong it is their error and not their crime*." And he could quote with high approbation the Duke of Sully, who says, "*Les Révolutions qui arrivent dans les grandes états ne font point un effet du hazard ni du caprice des peuple.—Ce n'est jamais par envie d'attaquer qu'elle se souleve mais par impatience de souffrir.*" Now these opinions, it seems, are maintained only by those "who are deficient in common sense or common information." Yet

* Thoughts on the Causes of the present Discontents, p. 8.

Mr. Burke gravely declares what no person certainly can gravely hear, "that the virtue of consistency is that on which he values himself the most."

In one of his paroxysms of rage, Mr. Burke, p. 41, files the National Assembly "a determined and desperate body of conspirators, whose object it was, with whatever certainty of crimes, with whatever hazard of calamity, to annihilate the royal authority; to level all ranks, orders, and distinctions in the state; and utterly to destroy property, not more by their acts than in their principles." In the same spirit he had before affirmed *, "that they never depart one *iota* from the authentic formulas of tyranny and usurpation; *here* they travel in the beaten road. But the public interests, because about them they have no real solicitude, they abandon to chance, and wholly to chance; inasmuch as their schemes have nothing in experience to prove their tendency beneficial." In reply to these incredible extravagancies, it is sufficient to observe, that in fact there is scarcely any thing in the French constitution which can be regarded as absolutely and perfectly novel. The grand *contour*, or outline, is evidently copied from the constitution of England, to which, in the separation of the ex-

* Reflections on the French Revolution, p. 244.

executive, legislative, and judicial powers, that most important of all axioms of polity, it bears an intimate resemblance. Though the constitutional authority of the Kings of France is reduced somewhat below the level of the authority of the Kings of England, it is still greatly superior to that with which the Kings of Sweden were invested previous to the Revolution in that country; and to that which the Kings of Poland at this day possess. The King of France is the sole depositary of the executive power. He is the supreme head of the general administration of the kingdom. He sanctions or rejects the acts of the legislative body. He is the supreme chief of the army and the navy. The external safety of the state, and the conservation of its rights and privileges are confided to him. He disposes at his pleasure of the great offices of state. He appoints ambassadors to foreign courts. He nominates the military and naval commanders, the tribunitial and treasorial commissioners. And to maintain the dignity and splendor of the crown, he has a civil list revenue of 1,250,000*l. per annum*. Is it "senseless and barbarous" to affirm, that this mighty aggregate of power, wealth, and dignity, is sufficient to entrust into the hands of one man? As to the abolition of the order of nobles, who were in France the privileged oppressors and tyrants, and not, as in

England, the hereditary guardians of the people, the free states of Greece knew no such distinction; and in the Roman Commonwealth it was productive of infinite mischief and ceaseless animosity. The division of the kingdom into districts is certainly not new: for, waving all examples to be adduced from other countries, France itself was under the old government divided into provinces much more widely separated from each other, than the new departments by the new constitution. And the popular assemblies, and elective judicial institutions established in each, bear a striking analogy to the ancient county-courts in this country, during the existence of that old Saxon constitution, to which the English retained, long after its subversion by the Norman conquest, the most passionate attachment. But admitting that novelties were introduced, must it therefore necessarily follow, that the public interests were abandoned wholly to chance? May not novelties be founded on such solid and obvious grounds of reason, as to afford a strong presumption at least of advantage? Were the public interests of this country abandoned to chance on the first introduction of the Habeas Corpus Act, the Act of Toleration, or by establishing the freedom of the press? Yet all these were novelties; and in the opinion of many persons, who no doubt
valued

valued their old prejudices as highly as Mr. Burke, very dangerous novelties too.

SECONDLY, We are to examine how far the political principles of Mr. Burke, as avowed in his late speeches and tracts, are reconcileable with the principles of those "Old Whigs" who flourished at or near the period of the Revolution. As the most unexceptionable criterion of this conformity of sentiment, Mr. Burke has selected a variety of passages from the speeches of the Managers of the House of Commons appointed to conduct the trial of Sacheverel; to which no reasonable objection can be made; "for," as Mr. Burke observes, "though themselves only private individuals, they must be supposed, on that interesting occasion, to have spoken the prevalent ideas of the leading party in the House of Commons, and of the Whig ministry." And Mr. Burke wishes the reader to determine, upon an impartial comparison, whether the principles he has maintained, or those advanced by the New Whigs, are most consonant to those of the Whigs of that period." "These New Whigs," says he, hold that the sovereignty, whether exercised by one or many, did not only originate from the people—a *position not denied, nor worth denying or assenting to*; but that in the people the same sovereignty constantly and unalienably resides; that the people
may

may lawfully depose Kings, not only for misconduct but without any misconduct at all; that they may set up any new fashion of government for themselves, or continue without any government, at their pleasure; that the people are essentially their own rule, and their will the measure of their conduct; that the tenure of magistracy is not a proper subject of contract, because magistrates have duties, but no rights; and that if a contract, *de facto*, is made with them in one age, allowing that it binds at all, it only binds those who were immediately concerned in it, but does not pass to posterity." To enter into a serious confutation of this egregious and wilful misrepresentation, would be absurd. Of the sentiments here ascribed to the "New Whigs," as Mr. Burke is pleased to stile them, or the advocates of the French Revolution, one proposition only is extracted from their creed—

VIZ. THAT THE SOVEREIGNTY NOT ONLY ORIGINATED WITH, BUT CONSTANTLY AND UNALIENABLY RESIDES IN THE PEOPLE. A government being, according to Mr. Burke's own definition, "a contrivance of human wisdom for the supply of human wants," it is plain, that the community, for whose benefit and advantage the powers of government are, or ought to be exercised, are the sole judges whether the great ends of government are actually attained.

The

The individuals entrusted with the different powers of government possessing merely a delegated authority, and an authority delegated for a specific purpose, if the purpose of the delegation be not answered, the delegation or commission is itself determinable at the discretion of those from whom it originally proceeded. For the community, or people at large, have at all times precisely the same right of providing for their own security and happiness—a right impossible to relinquish. The sovereignty, therefore, by whatever medium it may be exercised, still resides in the nation; for the sovereignty, in this general and extensive acceptation, can mean no more than the ultimate discretion and ultimate jurisdiction. Mr. Burke having stated the origin of government from the people to be a trifling position, “not worth denying or assenting to,” may find it useful to refer to his celebrated tract, so repeatedly quoted, where he will meet with the following passage: “The King is the representative of the people—so are the Lords—so are the Judges. They are all trustees for the people as well as the Commons, because no power is given for the sake of the holder; the forms of government and the persons who administer it all ORIGINATE from the PEOPLE.*”

* Thoughts on the Causes of the present Discontents, p. 67.

This

This point, therefore, being previously and satisfactorily cleared up, we hasten to the comparison which Mr. Burke is so eager to challenge. "I assert," says he, p. 57, "that the foundations, laid down by the Commons on the trial of Dr. Sacheverel for justifying the Revolution of 1688, are the very same laid down in Mr. Burke's Reflections; that is to say, a breach of the *original contract*, implied and expressed in the constitution of this country as a scheme of government, fundamentally and inviolably fixed in King, Lords, and Commons." The first speech upon the trial noticed by Mr. Burke is that of Mr. Lechmere, who declares "the nature of our constitution to be that of a limited monarchy. The terms of such a constitution," he justly affirms, "do not only suppose but express an *original contract* between the crown and the people. The laws are the rule to both; the common measure of the power of the crown and the obedience of the subject. If the executive part endeavors the subversion and total destruction of government, the original contract is thereby broke and the right of allegiance ceases." It is plain that Mr. Lechmere here supposes the constitution of England to be a free form of government established by general consent. It necessarily involves in it, therefore, *ab initio*, limitations and conditions. These he expresses by the term *original*

ginal contract. And he infers that when this original contract is violated on the part of the executive power, the violation may be resisted, the necessity of the case requiring it on the part of the nation; who, as he afterwards says, "hath a right, nay, whose bounden duty it is to save or recover that constitution in which it had an original interest." Certainly more good sense and sound reasoning cannot be comprized within the same compass. Every one, I believe, has a clear and distinct idea of the meaning of the term *original contract*, as used by this able speaker. But if Mr. Lechmere had set out like Mr. Burke, by defining, in high-swelling words of vanity, the original contract, to be "but a clause in the great primæval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible world, according to a fixed compact, sanctioned by the inviolable oath which holds all physical and moral natures, each in their appointed place;" I apprehend that the Old Whigs would have been just as much puzzled to understand what he meant as the New Whigs their degenerate descendants.

Amongst the most distinguished of the Managers on this celebrated trial, was General Stanhope. He also enforced the same opinions as Mr. Lechmere: "The Constitution of England," said the General, "is founded upon compact; and

and the subjects of this kingdom have, in their several public and private capacities, as legal a title to what are their rights by law, as a prince to the possession of his crown. No other remedy than the Revolution was left to preserve our religion and liberties; that resistance was therefore necessary and consequently just."

Sir Robert Walpole, upon whom Mr. Burke passes an high encomium, and who, whatever faults may be imputed to his administration, was certainly by no means the corrupt and profligate minister he has been frequently represented, followed General Stanhope. "Resistance," said this great statesman, "is not, cannot, and ought not to be described or affirmed by any positive law. In the eye and letter of the law, it stands, and ought for ever to stand, as the highest offence. But because men may not out of folly or wantonness commit treason, or make their own discontents, ill principles, or disguised affections to another interest, a pretence to resist the supreme power; will it from thence follow, when an utter subversion of the laws of the realm threatens the whole frame of our constitution, that the utmost necessity ought not to engage a nation in its own defence for the preservation of the whole?"

Sir Joseph Jekyl, Mr. Burke tells us, was "the very standard of Whig principles in his age." And he characterizes him certainly with
justice,

justice, as a learned and able man, full of honor, integrity, and public spirit." "In clearing up and vindicating the justice of the Revolution," said this Manager, "it is far from the intent of the Commons to state the limits and bounds of the subjects' submission to the sovereign. That which the law hath been wisely silent in, the Commons desire to be silent in too. Nor will they *put any case* of a justifiable resistance, but that of the Revolution only. And they persuade themselves that the doing right to that resistance will be so far from promoting popular licence and confusion, that it will have a contrary effect, &c." These remarks appear highly judicious. As it was not the custom of those times to carry on impeachments from session to session and Parliament to Parliament, Sir Joseph, who had no passion for shining as an orator, in order to preclude all useless and unprofitable debate, chuses to confine himself strictly to the question before him. Without pretending to define the exact bounds and limits of submission, which would be an idle and impracticable attempt, he thinks it sufficient to affirm in general terms the right of resistance; and to shew that the Revolution was a case which justified and demanded the exercise of that right. "It was a case of extreme necessity; and the necessity was plain and obvious to the sense of the whole nation." It was therefore
totally

totally irrelevant and superfluous to put any other case real or fictitious, which might have led to new and endless controversy ; though the language of this Manager strongly implied, as he no doubt clearly perceived, that other cases might be put which would justify resistance to established authority, though these possible cases might not precisely correspond in all circumstances with the case immediately under discussion. The Revolution in France is an instance exactly in point. The constitution of France previous to the Revolution was not like that of England, a free form of government, established and sanctioned by the concurrent attachment and veneration of the people. It was a slavish and tyrannical system : the object of the national contempt and detestation. The limitations and conditions to which the authority of the crown was subjected were few and inconsiderable, and wholly unequal to restrain the excesses of power. Whenever a fair opportunity offered, therefore, the nation was perfectly justified, upon every principle of rectitude and policy, in the attempt to vindicate its own inherent rights, and to provide, by the establishment of another and a better constitution, for the enlargement and security of the public happiness. And it is the most egregious trifling to object, as Mr. Burke repeatedly does, that the King of France had not, like the

King of England, violated the *original contract*, and therefore that his authority could not be justly opposed or superseded. For in this case, it is the original contract itself, if it deserves the name, which is the subject of complaint, as being radically and incorrigibly vicious and subversive of the general welfare and happiness. To affirm with Mr. Burke, that the contract or form of government once established, be the terms of it what they may, ought to be inviolably adhered to, as well on the part of the people as of the magistrate, argues gross ignorance of the nature of government. For the contract subsisting between the magistrate and the people, differs in this most essential respect from all contracts or engagements subsisting between independent individuals or independent communities; that it was originally created and intended for the sole benefit and advantage of one of the parties, viz. the people. But the term *contract*, used by the Revolution Whigs to express reciprocity of obligation, and sanctioned as it were by their authority, excites in the mind of Mr. Burke all the gross ideas annexed to a mere Smithfield contract, a *bargain and sale of cattle*. Yet he once held the doctrine, that "power was never conferred by any people for the sake of the holder," and government is founded, not on complaisance to any but utility to all. If experience, therefore,

proves that the contract originally established is not conducive to the end *for* which it was established, it is in its own nature null and void. For to suppose a whole people bound by the terms of a contract to their own manifest detriment, is to suppose the magistrate not the representative or delegate of the people, entrusted with power for no other purpose, and to no farther extent than the general good requires; but the tyrant of the people, possessing indefeasible rights and prerogatives not founded upon utility, and in the exercise of which he can incur no responsibility.

The Revolution of France, therefore, is equally capable of vindication with that of England, for both rest upon the same general foundation—the rights of the people; both have in view the same object—the happiness of the people. In this important respect they differ, that with them this object was attainable only by a total subversion, with us by a resolute defence of the antient constitution. “As the people of England,” says Sir Joseph Jekyl, “joined in the judgment of their disease, so they did in the remedy. They saw there was no remedy left but the last; and, when that remedy took place, the whole frame of the government was restored entire and unhurt. No part of the constitution was altered or suffered the least damage; but, on the contrary, the whole received new life and vigour.”

gour." Here Mr. Burke transcribes some passages to the same purport from his speech in Parliament, February, 1790, and then triumphing boasts how *exactly* he agrees in *every thing* with Sir Joseph Jekyl. And it must be allowed, to adopt the language of PUFF in the CRITIC, that when such men as Sir Joseph Jekyl and Mr. Burke "do agree, their unanimity is wonderful."

The Solicitor General, Sir Robert Eyre, observes "that the resistance at the Revolution, which was founded on unavoidable necessity, could be no defence for asserting that the people might cancel their allegiance *at pleasure*. There is not the least colour for asserting any such wicked principle. The Doctor is not impeached for enforcing the general doctrine and duty of obedience without any exception, but for preaching against an excepted case after he has stated the exception. Is it not most evident that the general exhortations and declarations to be met with in the homilies of the church, and in the statutes of the kingdom, are meant only as rules for the civil obedience of the subject to the legal administration of the supreme power in ordinary cases? And it is equally absurd to construe any words, in a positive law, to authorize the destruction of the whole, as to expect that King, Lords, and Commons should, in express terms of law, declare such an ultimate resort as the right of re-

sistance at a time when the case supposes that the force of the law is ceased."— Nothing, certainly, can be more judiciously expressed; and it deserves remark, that the very doctrine maliciously imputed by Sacheverel to the advocates of the Revolution in England, and from which the Solicitor General was so laudably anxious to vindicate them; the *wicked principle*, as he justly styles it, that the people may cancel their allegiance *at pleasure*, is the very stigma which Mr. Burke, in imitation of that son of slander and sedition, is solicitous to fix upon the advocates of the Revolution in France. But they universally disclaim and abhor the imputation. Obedience to civil authority is, most undoubtedly, a duty of the highest magnitude and importance. Without any particular reference to excepted cases it may be justly affirmed, that not only the peace and happiness but the very existence of society depends upon it. For a community to resume the powers it has once delegated, from mere will and caprice, would argue a species of infatuation more deplorable than history exhibits an example of. And for any individuals to presume to resist the lawful authority of the magistrate because *such is their pleasure*, would be treason and rebellion in their most odious and aggravated form. Certainly nothing less than motives of the highest urgency and importance; motives so obvious

obvious as to approve themselves to the general understanding, and so comprehensive as to affect the foundations of the general happiness, can be sufficient to justify resistance to supreme authority.

To this purpose Sir John Holland says, "the Commons would not be understood as if they were pleading for licentious resistance; as if subjects were left to their good will and pleasure, when they are to obey and when to resist.—No, my Lords: they know they are obliged to submission by all the ties of social creatures and Christians. Yet they assert that the general rule of obedience may, upon a real necessity, admit a lawful exception; and such a necessary exception we assert the Revolution to be." These are the doctrines held by the Whigs of the Revolution, in vindication of the Revolution: subsequent to which great event, such provisions were made for preventing the recurrence of a similar necessity, that to use the words of Mr. Burke, "scarcely any thing short of a combination of King, Lords, and Commons, for the destruction of the liberties of the nation, can in any probability make us liable to similar perils. In that dreadful and not to be looked for case, any opinion," says Mr. Burke, "of a right to make revolutions, grounded on this precedent, would be but a poor resource." But I must be permitted to think that

the universal prevalence of an opinion *to make revolutions*, in such cases, will be the most effectual security against such combinations; and that it will be found upon trial, not *a poor resource*, as Mr. Burke styles it, but a certain and infallible means of rescuing the nation from the tyrannic grasp of oppression, in whatever new forms it may rear its hydra head.

Upon a review of the sentiments of these Old Whigs, Mr. Burke professes the most perfect accordance with them; with what justice and propriety is sufficiently apparent. Mr. Burke asserts that the sovereignty, *i. e.* the ultimate appeal, discretion, or jurisdiction, does not reside in the people or nation. But Sir Robert Walpole is of opinion, that a nation, for its own defence and the preservation of the whole, may resist the power regarded by the law as supreme, however incompatible that resistance with the most solemn declarations. Mr. Burke asserts the original contract to be the bond of connection between the visible and invisible world. But Mr. Lechmere tells us, it is the reciprocity of obligation arising from the relative situation of the governors and the governed, under a free and regular constitution, or plan of civil polity. Mr. Burke asserts with Sacheverel, that the abstract doctrine of the lawfulness of resistance implies, that the people have a right to cancel their allegiance at pleasure.

pleasure. Sir Robert Eyre, on the contrary, maintains that this doctrine affords no color for asserting any such wicked principle; and that those who draw such inferences can have no other meaning than to bring dishonor upon the Revolution. Mr. Burke asserts that a violation of the original contract, or established form of government on the part of the magistrate, is the only possible case of justifiable departure from submission. But Sir Joseph Jekyl much more wisely contents himself with saying, that the Commons will not *put any case* of justifiable resistance, but that of the Revolution: and that it is far from their intent to state the bounds and limits of the subjects' submission to the sovereign.

But in his great zeal to maintain the sinking credit of revolution principles fast and deep, in which, as of indigenous growth, the tree of liberty striking its roots, rises fair and majestic to the view; Mr. Burke is eager to demonstrate "the madness, futility, and falsehood of those principles of government which the French nation has selected, in order to form the basis of their new constitution. In opposition to the pretended rights of man, as lately recognized and declared by the National Assembly, Mr. Burke feels the highest resentment at not being *permitted* to shew the original INEQUALITY of men with respect to their natural rights. Had

the House of Commons possessed patience to hear, he would have shewn that the preservation of those rights is not the proper end of civil or political association. He would have shewn that the nation is not essentially the source of sovereignty. He would have shewn, that to make political liberty consist in the power of doing whatever does not injure another, is "a childish, and stupid, and mischievous idea of liberty." He would have shewn that the law ought to prohibit, not only those actions which are hurtful, but those also which are not hurtful to society. He would have shewn that the law neither is nor ought to be an expression of the will of the community. He would have shewn that citizens, equal in the eye of the law, neither are nor ought to be equally eligible to honors, places, and employments, according to their different abilities, talents, and virtues. He would have shewn that it is right and fit that men should be molested on account of their opinions, though their avowal of them should not disturb the public order established by law. He would have shewn that the community has no right to demand of its agents an account of their conduct: and finally, he would have shewn that those countries whose government wants a separation of powers, and a security of rights, do not want a constitution. Such are the reverse of the propositions,

positions, affirmed in the Gallic declaration of rights: and such the monstrous positions which Mr. Burke must of course undertake to defend.

But it may not be wholly useless to enter into a more particular examination of the arguments of Mr. Burke in vindication of his principles; and to exhibit some impartial specimens of the mode of reasoning which he adopts in order to expose and confute his antagonists. "Men with them,"* says Mr. Burke, *i. e.* with the National Assembly of France, "are strictly equal, and entitled to equal rights" This we have long been taught, by Mr. Locke and others in this country, to consider as a simple, just, and noble principle, lying at the very foundation of all just reasonings on the subject of government. For who can pretend to assign any possible cause for a natural inequality of rights between man and man? Civil distinctions, therefore, as the National Assembly have to their immortal honor declared, can be founded only on public utility. Mr. Burke, however, pretends "that it is incompatible with the declaration promulgated by the Assembly, to limit the exercise of any civil or political right by the imposition of tests or qualifications of any kind: and that the restriction of the right of election, by the payment of

* Reflections on the French Revolution, p. 244.

a direct tax to the amount of ten days labor, or in the person of the representative, of a mark of silver, are palpable violations of their own equalizing principle. Of all these qualifying barriers," says he, "we must think alike, that they are impotent to secure independence, strong only to destroy the rights of men." If indeed these limitations or restrictions are founded upon no principle of utility, but are merely whimsical, capricious, and arbitrary; if they really are, as he styles them, "senseless qualifications," Mr. Burke's conclusion must be acknowledged so far valid. But I presume the National Assembly may possibly have as good reasons to assign for the limitation of the right of the provincial electors in France, as the English Parliament for a similar limitation of the right of county electors in England. And few persons regard the legal qualification of forty shillings per annum freehold, as "a senseless limitation."

"Government," as Mr. Burke informs us, (*Reflections*, p. 88,) "is not made in virtue of natural rights, which may and do exist in total independence of it, and exist in much greater clearness, and in a much greater degree of abstract perfection; but their abstract perfection is their practical defect. Varying with times and circumstances, and admitting of infinite modifications, they cannot be settled upon any abstract rule;

rule; and nothing is so *foolish* as to discuss them upon that principle." On the contrary, it appears to me that nothing can be so *foolish* as to pretend to discuss the subject of government, or indeed any subject whatever, without expressly stating, or pre-supposing certain abstract principles or theorems, to which references may be made, and from which inferences may be deduced. For want of this clear conception of the first principles of government, Mr. Burke's reasonings on the subject are almost every where confused, inconsequential, and inconsistent. There are, doubtless, rights resulting from the reason and nature of things, independent of any artificial or positive institution; "for the security of which," to make use of the words of Mr. Hume, "political society was at first founded by men—rights perpetual and unalienable, which no time, no precedent, no statute, can either abrogate or impair." If, then, government be not made in virtue of these rights, in virtue of what rights is it made? That they exist in independence of it is certain; but they cannot be protected and secured in independence of it: and surely the abstract clearness and perfection of these rights are not diminished by any means which may be adopted to secure the uninterrupted and peaceable exercise of them. And that the abstract perfection of these rights in a
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state of nature is their practical defect, is merely, I presume, asserted for the sake of the beautiful antithesis it affords; for most unquestionably it cannot be the perfection of the right, but the imperfection of the knowledge of the right, or of the virtue to adhere to it, which is the cause of the practical defect.

“These metaphysic rights,” continues Mr. Burke, “entering into common life like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from their strait line. Indeed, in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity of their original direction.” Doubtless, there exist no general rules of government, or of action, which do not admit of restrictions or limitations in the practical application of them. For as the rules themselves are founded on the basis of utility, it is evident that occasional exceptions or deviations from the general rule may result from the reason of the rule itself. But Mr. Burke seems to imagine that the National Assembly, and the *enlightened* advocates for liberty in general, maintain the existence of certain inexplicable and unalterable abstract rights, independent of reason, and not founded upon
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the basis of utility; which is an idle chimæra, the offspring of his own heat-oppressed brain. "These grand compounders in politics," says Mr. Burke, "shorten the road to their degrees in the state, and have a certain inward fanatical assurance and illumination upon all subjects; upon the credit of which one of them has thought fit, with great applause, and greater success, to caution the Assembly not to attend to old men, or to any persons who valued themselves upon their experience." *Hinc illæ lachrymæ!* I fear if this caution was originally received with applause, it will not lose any of its credit by the publication of Mr. Burke's Reflections; which may even, perhaps, confirm them in the opinion, that in the same proportion as age adds to the wisdom of the wise, it heightens the obstinacy of the obstinate, and the prejudices of the prejudiced.

"It is curious to observe," says Mr. Burke, (Reflections, p. 24,) "how Lord Somers, who drew the Bill called the Declaration of Right, comported himself upon that delicate occasion, and with what address this temporary solution of continuity is kept from the eye; whilst all that could be found to countenance the idea of an hereditary succession is brought forward, and made the most of by this great man." But Lord Somers himself would probably have smiled at being

being so highly complimented on his extraordinary address in this instance, when he did little or nothing more than copy in the preamble of this celebrated Bill the forms of the old acts of recognition of Elizabeth and James. It is very easily conceivable, indeed, that Lord Somers, than whom no man ever possessed clearer or nobler ideas on the subject of government, might think it expedient to accommodate his own more just and dignified sentiments, in some measure, to the inveterate prejudices of those whose perverse or shallow understandings were delighted with the paradoxical notion, entertained, as we find, even at this day by Mr. Burke, "That at no time did the legislature hold the principle of hereditary right more sacred than at the moment when they most widely deviated from it." Startled and shocked at the idea of conferring the crown upon the Prince of Orange, not because of his affinity in blood to the tyrant, but because he was the deliverer of the nation from tyranny, they endeavored to soothe and console themselves with the reflection, "that though the crown was carried somewhat out of the line in which it had before moved, the new line was derived from the same stock; it was still a line of hereditary descent—still an hereditary descent in the same blood, though qualified with Protestantism:" thus happily arriving, by the same
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gradations with Mr. Burke, to the same notable conclusion, "that when the legislature altered the direction of the succession, *i. e.* when the legislature for just reasons violated the principle of hereditary succession, they shewed that they held it inviolable."

"It is far from being impossible, however, to reconcile," as we are assured by Mr. Burke, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, "the sacredness of an hereditary principle of succession in our government, with a power of change in its application in cases of extreme emergency." Amongst other bewildered mortals, I have always imagined that a principle, which is in its own nature sacred, is in its own nature irrevocable and unalterable. If hereditary right be truly a sacred right, it is an indefeasible and divine right. If by the sacredness of this principle, he means only to denote by a flourish of oratory its civil or political utility, it is indeed very easy to reconcile the use of an established or general rule, emanating from the common agreement and original compact of the state, "*communi sponsione reipublicæ*," with occasional deviations from that rule, resulting from the same source of authority. But what more has ever been contended for by those who are branded by Mr. Burke as broachers of seditious, factious, and unconstitutional doctrines? That
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the crown of England is held by hereditary right is admitted by all: but respecting the nature and origin of this right, men have widely differed. Many have had the folly to maintain, in times not far remote, with astonishing vehemence and obstinacy, that it is a divine and indefeasible right. Now, indeed, the language of the high prerogative party is somewhat changed, and we are told that it is only a sacred and inviolable right; a distinction in which a man must certainly be uncommonly acute to find any difference. Others, however, assert that this right is a mere political right, created and conferred by the community, and founded, like all other political rights, on the basis of public utility; that the community must of consequence necessarily possess the power of limiting, circumscribing, and even of annihilating this right, if incompatible with or detrimental to the public happiness. It is the plain dictate therefore of reason and truth, that upon no other just or lawful foundation can the authority of the monarch rest, than the choice or consent of the people implied or expressed. Yet this conclusion is still admitted with hesitation and difficulty. So true is it, that the improvement of the human mind is in general the slowest of all processes; and so necessary is it, that the plainest and most obvious truths should be inculcated in a thousand different forms, and by

a thousand different pens, in order to make a deep or durable impression upon the public mind; ever liable to be deceived to its own injury, by the delusive colorings of a bold, artful, or interested sophistry, however intrinsically weak or despicable.

But when Mr. Burke hears this terrible doctrine advanced, of the right of the people to choose their own governors, his imagination is haunted by the ideas associated with the election of a Mayor of Garrat, or the dissolute riots of a corporation borough. He might, nevertheless, recollect that there are other and more dignified modes of collecting the sense of a great nation, and of ascertaining and declaring, with solemnity correspondent to the occasion, "the public will, the REASON of the LAND." The Act of Settlement was doubtless an act of national choice, if there is any meaning in words; but such is the antipathy of Mr. Burke to this harmless term, that he will by no means allow the Princess Sophia and her descendants to have been *chosen* to succeed to the crown; but only "that the English nation voluntarily submitted themselves to their government;"—"that they gave the House of Hanover the preference to the House of Savoy"—"that they were specifically destined to the succession"—and "that they were adopted by the nation, as nearest in blood of the Protec-

tant line. Was it by such miserable quibbling as this that the Old Whigs deemed the principles of the Revolution to be most effectually fortified? "ON what ground," says Mr. Burke, "except the constitutional policy of forming an Establishment to secure that kind of succession, which is to preclude a choice of the people for ever, could the legislature have fastidiously rejected the fair and abundant choice which our own country presented to them, and searched in strange lands for a foreign princess, from whose womb the line of our future rulers were to derive their title to govern millions of men through a series of ages?"—that is to say, on what grounds could the legislature, or the people, in their deliberative capacity, make choice of the Princess Sophia and her descendants in succession to govern this nation, if it were not to extinguish the right which they themselves were exercising, and to preclude the idea of choice for ever afterwards? To affirm that his Majesty's right and title to the crown are founded upon the free choice of a free people is now, it seems, become not merely unfashionable and obsolete, but false and seditious language. Consequently a parliamentary vote of deposition and abdication, grounded upon the precedent of the last century, would not, in these courtly days, in the least impair the validity of a title solely derived from the womb

womb of the Princess Sophia, by a species of *immaculate conception*, which might have staggered the faith of a St. Dominic himself. It is pleasant enough after this to hear Mr. Burke protest, "that he never desires to be thought a better Whig than my Lord Somers." "A few years ago he should be ashamed, in a case so clear, to have made use of such arguments as he has now thought it necessary to advance for the support of the Constitution." I hope and believe that this is true; though Mr. Burke's eloquence was ever, by persons of judgment, considered as of a species far better calculated to puzzle a plain question, than to elucidate a difficult one.

Mr. Burke charges it (Reflections, p. 84.) as a necessary consequence of the principles advanced by Dr. Price, and other zealous advocates of civil liberty, "that our own government, on account of the gross and palpable defects of the present system of representation, is no better than an usurpation; and he observes that the House of Lords is no representative of the people at all, even in semblance and form; the case of the crown is altogether as bad; and the Revolution which is resorted to for a title, on this system wants a title itself; as it was effected by an House of Lords, not representing any one but themselves, and by an House of Commons exactly such as the present, that is, as

they term it, a mere shadow and mockery of representation." The case of the crown has already been considered; and that of the House of Lords being perfectly analogous to it, requires no separate animadversion. The nation, which can endow an individual with certain powers and prerogatives for the public good, can also invest with whatever degree of authority personal or hereditary they think fit, any number of individuals under the denomination of a House of Peers, a Senate, a Privy Council, &c. Nor had the aristocratic branch of the legislature at any period the folly to advance for themselves the claim which Mr. Burke has so officiously advanced for them, of an inherent and indefeasible right. And it is a perfectly new discovery, that the concurrence of this great hereditary council in the settlement of the kingdom at the Revolution; a concurrence on all accounts so highly desirable, if not absolutely essential, is upon *any* principles of government a defect in foundation, and "the means of its wanting a title."

With regard to the defects or inequalities of the present system of representation, the grand question to be considered is, Whether the nation is itself satisfied with this system, and the general effect produced by it? For if it be, the validity of the delegation, and the authority of the government founded upon it, cannot be disputed.

puted. A more complete representation is not to be forced upon the people by the strong hand of power, but granted to their solicitations in conformity to the dictates of wisdom and justice. Dr. Price, indeed, supposes a state in which a nominal or fictitious representation might become "a real nuisance, and which might eventually produce that worst of all forms of government, a government by corruption, carried on and supported by spreading venality and profligacy throughout the kingdom." But he expressly adds, in order to guard against malignant misrepresentation, against which it is indeed impossible to guard, "that we are, as he hopes, at present at a great distance from this deplorable state," though, as he truly says, "it cannot be pretended that there are no advances towards it, or that there is no reason for apprehension and alarm." A reform in the representation, therefore, must be acknowledged an event worthy the highest exertions of wisdom and patriotism to accomplish; though every one will doubtless reject, with indignant contempt, Mr. Burke's extravagant and senseless conclusion, "that the present government is no better than a downright usurpation."

On a review of this investigation, it is extremely amusing to hear Mr. Burke declare, "that he has read much more than he can justify to any

thing but the spirit of curiosity of the works of those writers, who, in a tone of lofty disdain, he styles "the illuminators of the world," and that he has learned nothing from the far greater part of them, than a full certainty of their shallowness, levity, pride, petulance, presumption, and ignorance. And all this, without being led to entertain, as far as appears, the remotest suspicion that he himself is subject to the slightest alloy of human weakness and infirmity. "We must always see with a pity not unmixed with respect," to retort upon Mr. Burke his own language, "the errors of those who are timid and doubtful of themselves, with regard to points wherein the happiness of mankind is concerned; but when, instead of diffidence and candor, we meet only with vain-boasting, conceit, and confidence, the arrogance of these pretenders to superior wisdom, in a manner provokes and challenges us to an enquiry into the validity of their pretensions." In the cloudy and mystical writings of this political rhapsodist, I confess myself unable to discover any display of a comprehensive or discriminating mind, or even the marks of a common and ordinary prudence. Mighty in promise, but impotent in performance; calculated only to mislead the ignorant, and alarm the credulous. And the dazzling scintillations and coruscations
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of his stile may be compared to those of an igneous meteor of that species, which, as MILTON tells us,

———— by some evil spirit kindled,
 Hovering and blazing with delusive light,
 Misleads the amazed night-wanderer from his way
 Through bogs and mires *.

It remains only to add a few miscellaneous remarks on certain passages in the concluding part of Mr. Burke's appeal, which seem to rise in a sort of *alto relievo* above the level of the rest. "Some gentlemen," says he, p. 99, "are not terrified with the facility with which government has been overturned in France. The people of France, they say, had nothing to lose in the destruction of a bad constitution: but though not the best possible, we have still a good stake in ours which will hinder us from desperate risques. Is this any security at all against those who seem to persuade themselves, and who labour to persuade

* "Est in quibusdam," says Quintilian, lib. vii. c. 2. "turba inanium verborum, qui dum communem loquendi morem reformidant, ducti specie nitoris, circumcunt omnia copiosa loquacitate quæ dicere volunt."—"Nobis prima fit virtus, perspicuitas, propria verba, rectus ordo, non in longum dilata conclusio; nihil neque desit, neque superfluat."—"Oratio debet negligenter quoque audientibus esse aperta; ut in animum audientis sicut sol in oculos, etiam si in eum non intendatur occurrat. Quare, non solum ut intelligere possit, sed ne omnino possit, non intelligere curandum."

others, that our constitution is an usurpation in its origin, unwise in its contrivance, and in all its parts a perfect nuisance. On the principles of these gentlemen, it neither has nor ought to have any security. So far as regards them it is left naked without friends, partizans, assertors, or protectors." But where are those persons to be found who maintain that our constitution is an usurpation in its origin, and in all its parts a perfect nuisance. I believe they exist only in Mr. Burke's imagination. Under a free constitution of government such as we enjoy, a perpetual contention will subsist between two classes of men, whose modes of thinking are diametrically opposed to each other. The ONE entertain the greatest dread and terror of innovation as such; not considering that all improvement is necessarily innovation. They love to dwell on the wisdom of past ages. They regard it as presumption, and almost impiety, to deviate from the practice of antiquity. No argument will induce them to change the old *mumpsimus* for the new *sumpsimus*. Being men of "untaught feelings," they value old prejudices "because they are prejudices;" and they reprobate every attempt to expose an actually existing or apprehended defect in the constitution or administration of government, as a species of sedition dangerous to the peace, and even to the existence of civil society.

society. The OTHER class, sensible of the mischief and absurdity of these notions, are themselves in danger of running into an extreme directly the reverse. Far from feeling any dread of innovation as such, they seem to entertain a degree of predilection and fondness for political experiments. From a constant and vigilant attention to those abuses, and corruptions, and grievances, which under the best constituted form of government, it is to be feared, will never be totally eradicated, they are led to consider them as of more importance in the general system than they really are. They view them through the political telescope, artificially magnified and in near approach; while, through the same telescope, reversed, they view the benefits and advantages which they actually possess, in the same proportion diminished and remote. They are, therefore, eager to recommend expedients which appear to them necessary in order to avert impending dangers. They are bold and precipitate in their censures. They make not sufficient allowance for the embarrassments by which the best and ablest statesmen find their attempts at reformation impeded. They are influenced more by notions of abstract rectitude than political expediency; and anxiously and importunately urge the adoption of measures, perhaps just and beneficial in themselves, but to which the spirit and temper

temper of the times are adverse, and which the minds of men and the general state of things are not sufficiently prepared for the reception of.

From the perpetual collision of these two classes of men the community at large may derive much useful information and improvement: and had the wisdom of Mr. Burke borne any proportion to his eloquence, his book might have been of admirable use in guarding against the excesses which might be apprehended from the occasional prevalence of the spirit of the latter of these political *castes*; as the numerous publications of other writers distinguished for genius and ability have been of singular service in exposing the pernicious absurdity of the former. But Mr. Burke seems wholly incapable of discrimination. Not adverting to the nature of our constitution, which, conscious of the solid foundation on which it rests, admits and indulges the most unrestrained liberty of discussion, and which is in reality no more affected by any intemperate ebullitions of ignorance or enthusiasm than a rock against which the waves perpetually dash, Mr. Burke can read in the signs of the times nothing but the characters of treason and rebellion: when those who are not under the influence of the same calenture of the brain, can discern no more at the worst than that degree of licentiousness which is almost necessarily

necessarily attached to the enjoyment of political freedom.

“ Let us examine,” continues Mr. Burke, “ into the value of this security upon the principles of those who are more sober; of those who think indeed the French constitution better or at least as good as the British, without going to all the lengths of the warmer politicians in reprobating their own. Their security in reality amounts to nothing more than this, that the difference between their republican system and the British limited monarchy is not worth a civil war. They who think so well of the French constitution cannot be seriously alarmed by any progress made by its partizans. Provisions for security are not to be received from those who think that there is no danger.—No! There is no *plan of security* to be listened to but from those who entertain the same fears with ourselves: from those who think that the thing to be secured is a great blessing; and the thing against which we would secure it a great mischief. Every person of a different opinion must be careless about security.”

What “ plan of security” Mr. Burke is desirous to recommend I pretend not to conjecture; but upon the principles laid down by him in this paragraph, it is difficult to imagine even the possibility of attaining to a state of security, but by
such

such vile expedients as would eventually leave us in possession of nothing which we need be anxious to secure. As free governments may undoubtedly subsist under a great diversity of forms, and as it is not in the nature of things to preclude, but by adopting the maxims of Turkish policy, the most ample discussion of their respective merits, a diversity of opinions will and must be the inevitable result of this discussion. But it is contrary to common sense, and to universal experience, to suppose, that speculative differences of this kind can in a free state be productive of the dangerous and fatal effects which Mr. Burke apprehends. For though the minority of the members of such a state cannot indeed be prevented from having an opinion, and will not be prevented from declaring it, the majority carrying the constructive authority of the whole, no attempt can be made in opposition to that authority, which would not involve those who should dare to oppose their wills to the public will in the guilt of treason and rebellion. If, on the other hand, the majority of the state — that is, if the state itself should, in the gradual progress of opinions, be convinced of the necessity or utility of any political changes; it would become as hazardous and as criminal to *oppose* those changes, when actually ratified and established by the supreme authority, as it would
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previously have been to *enforce* them against the public will. These considerations are so obvious, and the indisposition of men, in all countries and at all times, to risk their lives and fortunes in opposition to established authority, excepting they suffer under great and manifest oppression, is so notorious, that for any government, so highly valued and so firmly settled as that of Britain, to take alarm at these abstract discussions, would argue great want of magnanimity. "Although there are some amongst us," said Mr. Burke, on moving his Conciliatory Propositions in 1775, "who think our constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at that improvement by disturbing his country, and risking every thing that is dear to him. In every arduous enterprize we consider what we are to lose as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are the cords of love. Man acts from adequate motives relative to his interest, and not on metaphysical speculations." Is human nature changed since Mr. Burke hazarded these remarks? If not, *how are we in danger?* The danger really arises from those rash and officious advocates of government, who represent

all such persons as entertain ideas of imperfection and defect in the constitution, or of its comparative inferiority to some other form of government, real or imaginary, as public enemies to the state; who raise a clamorous and senseless yell about treason and rebellion—a sort of political *war-whoop*; and who excite horrid commotions themselves, under the pretence of preventing the evil designs of others; ambitious, if we may judge from recent events, to distinguish themselves as the Goths and savages of Europe. “What a reproach to an age which boasts its superior improvements in science and literature, that the first philosopher in Europe, of a character unblemished, and of manners the most mild and gentle, should be torn from his family, and obliged to flee, an outcast and a fugitive, from the murderous hands of a frantic rabble!”

There is a cause perpetually pleading before the tribunal of the public—the cause of reason and truth, in opposition to the claims of bigotry and oppression; and of this cause has that great philosopher distinguished himself as a most illustrious advocate. But the infatuated multitude, in all ages misled by interested and designing men, have, alas! too frequently and fatally mistaken their best friends for their worst enemies. If a Socrates suffers under a judicial sentence—

if an Aristides is doomed to banishment by the verdict of his fellow citizens—if a Barneveldt and a Sydney die as traitors upon a scaffold—if a Galileo languishes in the prisons of the Inquisition, and a De Wit falls a sacrifice to the madness of popular rage; how shall a PRIESTLEY hope to escape? Or why should we marvel to see him sustain the sacred character of a man injured by his country?

It were much to be wished that men who are, like Mr. Burke, so much under the dominion of these political panics, would recur to facts, and would point out from the records of history, which, as Lord Bolingbroke admirably says, is “philosophy teaching by example,” a single instance of danger arising from any free state, from the causes which have excited such terror in the mind of Mr. Burke; who would then, perhaps, cease to vociferate upon the necessity of adopting new and odious plans of security, as if we were not already secure under the safeguard and protection of the laws, or as if any better plan of security could be devised than a resolute perseverance in, and progressive improvement of that system of enlarged and liberal policy, by which this nation has been so long and so honorably distinguished. Shew me throughout the ample page of history, “rich with the spoils of time,” a single instance in which any government or nation

tion has been, I will not say subverted, but in the slightest degree injured, nay, which has not been strengthened, established, and ennobled by a magnanimous adherence to the rules of eternal and unalterable justice ; then will I acknowledge that the Hôpitals and Sullis of France, the Somerses and Chathams of England, were, as Mr. Burke styles the National Assembly, “ Charlatans and mountebanks” in the science of government ; then will I acknowledge that the Machiavels, the Mazarines, and the Burkes alone, deserve the name of statesmen and politicians.

“ The genius of the faction,” says Mr. Burke, “ is easily discerned, by observing with what a very different eye they have viewed the late foreign revolutions. Two have passed before them, that of France and that of Poland. A king without authority ; nobles without union or subordination ; a people without arts, industry, commerce or liberty ; no order within, no defence without ; no effective public force, but a foreign force which entered a naked country at will, and disposed of every thing at pleasure. Here was a state of things which seemed to invite, and might perhaps justify bold enterprize and desperate experiment. But in what manner was this chaos brought into order ? The means were as striking to the imagination, as satisfactory to the reason, and soothing to the moral sentiments. We have

have seen anarchy and servitude at once removed; a throne strengthened for the protection of the people, without trenching on their liberties; all foreign cabal banished, by changing the crown from elective to hereditary. Not one man incurred loss or suffered degradation. All, from the king to the day-laborer, were improved in their condition. Every thing was kept in its place and order; but in that place and order every thing was bettered. To add to this happy wonder, not one drop of blood was spilled, no treachery, no outrage; no system of slander more cruel than the sword; no studied insults on religion, morals, or manners; no spoil, no confiscation, no citizen beggared; none imprisoned, none exiled; the whole was effected with a policy, a discretion, an unanimity and secrecy, never before known on any occasion. Here was a matter for congratulation and for festive remembrance through ages. Here moralists and divines might indeed relax in their temperance, to exhilarate their humanity—But mark the character of our faction. All their enthusiasm is kept for the French Revolution. The frauds, the violences, the sacrileges, the cruel murders, the inhuman confiscations, the insolent domination of bloody, ferocious, senseless clubs; these are the things which they love and admire. What men love and admire they would surely

act. Let us see what is done in France, and then let us under-value any the slightest danger of falling into the hands of such a merciless and savage faction."

In opposition to all this rhodomontade, it may be sufficient to reply, that Mr. Burke has, as usual, grossly mistaken, or wilfully misrepresented facts in order to arrive at his conclusions: for it is most notorious, that those who are friends to the Revolution in France, are also friends to the Revolution in Poland. That the former should have engaged the principal share of our attention, and consequently of our applause, could never become a topic of wonder, and much less of slander, to any man but Mr. Burke, when it is considered how much better means of information we possess respecting it, and how much more nearly we are interested in the success of it. It is very easy indeed in that rhetorical style of composition, which, if generally adopted, would render all labor of investigation superfluous, to write an high-flown panegyric upon the one and a scurrilous libel upon the other, and then to exclaim against those who doubt the validity of the consequent decision, as the ferocious and senseless abettors of a savage and merciless faction. Without depreciating the merits of the Revolution in Poland, it may be remarked, that there were two circumstances which obviously and essentially facilitated

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its success, and for the want of which in France Mr. Burke makes no allowance, though it is from this dissimilarity of situation, that the disorders and calamities of which the French revolution has been the occasion have almost entirely originated. The FIRST is the sincere and hearty concurrence of the monarch in the measures necessary to accomplish it. The tendency of the revolution in Poland was to elevate, in France to depress the authority of the crown. The commotions, therefore, which have arisen in France from the opposition of the monarch, do not prove the French Revolution to be in itself less beneficial than the Polish, but merely less easy to effect. The other, or SECOND circumstance alluded to, is the novelty of the power assumed by the National Assembly, which, though really founded on the only just foundation of power, the consent of the people,* was, by the disaffected,

submitted

* Left Mr. Burke should exclaim against this position, as *senseless and barbarous*, it may be proper to refer him to the fifth article of the new constitution of Poland, which expressly acknowledges and declares, "That all power in civil society, having for its end and object the preservation of civil liberty, should be derived from the will of the people," And the celebrated Commentator upon our laws, animadverting upon the same general position as advanced by Mr. Locke, observes, "that a *resumption of power* by the people at large, is a case which no constitution of government can have in con-

submitted to with more reluctance than an authority like that of the diet of Poland, established by long and uninterrupted prescription. There were even some extravagant enough, like Mr. Burke, to reprobate the jurisdiction exercised by the National Assembly, as a lawless usurpation. But the confusion and bloodshed occasioned by the resistance of these refractory spirits, do not in the least derogate from the merits of the Revolution itself. On the contrary, that resistance greatly enhances the merits of those who have had these additional difficulties to encounter, and who have actually surmounted them. But Mr. Burke has the folly and temerity to ascribe all those calamities to the constitution itself, which have solely arisen from the opposition made to its establishment.

“The factions,” says Mr. Burke, “now so busy amongst us in order to divest men of all love for their country, and to remove from their minds all duty with regard to the state, endeavor to propagate an opinion that the people, in form-

templation, or for which it can make any previous provision—Leaving, however, to future generations, whenever necessity and the safety of the whole shall require it, the exertion of those inherent, though latent powers of society, which no climate, no time, no constitution, no CONTRACT, can ever destroy or diminish.”

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ing their commonwealth, have by no means parted with their power over it. This is an impregnable citadel, to which these gentlemen retreat whenever they are pushed by the battery of laws, and usage, and positive conventions. Discuss any of their schemes, the answer is, it is the act of the people, and that is sufficient. Are we to deny to a majority of the people the right of altering even the whole frame of their society, if such should be their pleasure? They may change it, say they, from a monarchy to a republic to-day, and to-morrow back again from a republic to a monarchy, and so backward and forward as often as they like. They are masters of the commonwealth, because in substance they are themselves the commonwealth. The French Revolution, say they, was the act of the majority of the people; and if the majority of any other people, the people of England for instance, wish to make the same change, they have the same right—just the same undoubtedly; that is, none at all. Neither the few nor the many have a right to act merely by their will in any matter connected with duty, trust, engagement or obligation. The constitution of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties: such is the nature of a contract. And the votes of a

majority of the people, whatever their infamous flatterers may teach, in order to corrupt their minds, cannot alter the moral any more than they can alter the physical essence of things." It is for Mr. Burke, if he can, to reconcile these sentiments to the declaration which he formerly made in his public letter addressed to the Sheriffs of Bristol. "If any ask me," says he, page 55, "what a free government is? I answer, that for any practical purpose, it is what the people think so: and that THEY, and not I, are the natural, lawful, and competent judges of this matter." It is enough for me to remark, in addition to the observations already made, that Mr. Burke vainly attempts in this passage, by confounding our ideas, to prove that the rights of man are incompatible with his duties and obligations. A civil community has certainly the right or privilege of acting in the manner really and truly most conducive to its own happiness; this is the plain dictate of reason and common sense. But this right involves in it a duty or obligation to maintain inviolate those principles of equity, justice, and civil subordination, which are themselves essential to public happiness. The right contended for is founded upon, and must be exercised in conformity to the dictates of reason. To affirm that the people have a right to subvert an established government from mere caprice,

caprice, would be indeed a senseless and a monstrous doctrine, such as the wildest theorist never yet ventured to inculcate. But even principles, the most just and salutary in themselves, may doubtless be perverted to vile and pernicious purposes by a rash, or insidious, or ignorant misapplication of them. A KETT, sitting under the shade of the "*oak of reformation*," might employ in the cause of sedition and rebellion the same general arguments and reasonings as a LOCKE or a SYDNEY, in vindication of the rights of the people as exercised at the Revolution. But shall we therefore conclude, in order to put an end to all discussion, and to terminate all disputes at once, that the people have no rights, and that those who dare to assert the existence of them are "*infamous flatterers of the people?*"

According to Mr. Burke's wise notions of government, it seems that the constitution of every country being settled upon some contract, tacit or expressed, there exists neither power nor right to alter it, however inequitable its conditions, or however great the oppression and misery of which it is productive. One should hardly have expected, at the close of the eighteenth century, to have heard such principles of government advanced any where but at Constantinople; and even in that seat and centre of despotism, in the Divan itself, there are probably not wanting those

who entertain some faint notion that government was instituted not for the benefit of the governors, but of the governed; that it is not contrary, therefore, to the "moral essence of things," to suppose that a contract of government which divests the people of their natural rights, instead of protecting them in the enjoyment of those rights, is to be held in execration as an infamous and fraudulent contract, in its own nature absolutely null and void. It is remarkable, at least it would be so of any other writer, that though Mr. Burke thus takes upon him positively and vehemently to assert, that no contract, plan, or system of government whatever, once established, can be altered without the consent of all the parties; *i. e.* of the oppressors as well as the oppressed; he afterwards reckons it "a very nice and dangerous point of casuistry to determine, whether after the people have discharged themselves of their original power by an habitual delegation, no occasion can possibly occur which may justify their resumption of it?" And he contents himself with saying, "that no occasion can justify such a resumption which would not equally authorize a dispensation with any other moral duty." This is certainly true: for obedience to civil government being itself a moral duty of great magnitude, very cogent reasons must be assigned to justify any deviation from it.

it. Political oppression, however great, will not, in a moral view, justify resistance, which is itself so great an evil, and which is so fertile of evils, excepting there exists a very strong preponderance of probability that the oppression may be removed or alleviated by such resistance. Unfortunately, resistance has in general served only to rivet still closer the chains and fetters of despotism. "The practical consequences of any political tenet," says Mr. Burke, who may for once be quoted with satisfaction, "go a great way in deciding upon its value. Political problems do not primarily concern truth or falsehood. They relate to good or evil. What in the result is likely to produce evil, is politically false; that which is productive of good, politically is true."

"We have read in history," continues Mr. Burke, "of that furious insurrection of the common people called the *Jacquerie*; for this is not the first time that the people have been enlightened into treason, murder, and rapine. Its object was to extirpate the gentry. The *Capit de Buche*, a famous soldier of those days, dishonored the name of a gentleman and of a man, by taking for their cruelties a cruel vengeance on these deluded wretches. It was, however, his right and his duty to make war upon them, and afterwards in moderation to bring them to punishment

nishment for their rebellion; though in the sense of the French Revolution, and of some of our clubs, they were the people; and were truly so, if you will call by that appellation any majority of men told by the head."

That the people have ever been in any instance *enlightened*, in Mr. Burke's sense of the term, into rebellion, *i. e.* by teaching them the knowledge of their duties and their rights, he has adduced no proof. Popular insurrections have invariably arisen from the most grievous oppression, or the most deplorable prejudice; and the French historians give no hint that any speculative reasonings had the slightest influence in exciting the insurrection in question. "Pendant cette anarchie," says Mezerai, speaking of the state of France at the latter end of the fourteenth century, which Mr. Burke so highly celebrates as the æra of true *dignity of thinking*, "la noblesse & les autres gens de guerre, exerçoient toutes sortes de violence sur les pauvres peuples de la campagne. Ces malheureux, batus, pillez, courus, comme des bêtes sauvages—se résolurent d'exterminer tous les gentilshommes. Cette fureur commença dans le Beauvoisis. On la nomma la *Jacquerie* parce que les gentilshommes lorsqu'ils pilloient le paysan, l'appelloit par railerie *Jacques Bon-homme*." We see, therefore, that these poor wretches were not enlightened,

but exasperated into resistance; and though they certainly retained the right, had they possessed the power of doing themselves justice, they were unhappily totally ignorant of the proper means of exerting it. Had the *Jacquerie* constituted the majority of the people of France, *told by the head*, as Mr. Burke pretends, no *unanimity* can alter the nature of those acts which proceed from a spirit of savage and sanguinary revenge. Rights founded upon reason must be exercised conformably to the laws of reason.

But amongst the most obvious and alarming evils which originate even in the justest resistance to established power, is the probable *want of unanimity* respecting the mode and measure of resistance. It is then that the enemies of liberty begin to exult and exclaim in the language of Mr. Burke, p. 128, "Who are these insolent men calling themselves the nation? Who are they who claim by prescription and descent from certain gangs of banditti called Franks, and Burgundians, and Visi-Goths? When men break up the original compact or agreement which gives its corporate form and capacity to a state, they are no longer a people—they are a number of vague, loose individuals, and nothing more. We hear much about the omnipotence of a majority; but in the dissolution of society, *such as hath taken place in France*, there can be no such thing

thing as majority or minority. The authority of the whole residing in a part only is a mere fiction of positive law, to which out of a state of civil society none are under obligation to submit. In all things the voice of the grand chorus of national harmony ought to have a mighty and decisive influence. But when you disturb this harmony, when you break up this beautiful order, I no longer know the venerable object called the people in such a disbanded race of deserters, and vagabonds, and rebels."

Whatever, therefore, might be the rights of men in a state of civil society, or anterior to its formation, Mr. Burke is clearly of opinion, that subsequent to its dissolution they have none. Not only the rights of the people vanish, but the people themselves are metamorphosed into vagabonds, rebels, and deserters; a lawless crew of banditti, consisting neither of majority nor minority, absolutely incapable of forming any new compact of government, and who have no juster claim even to the lands which they occupy, "*to the territory called France,*" than Mr. Burke; who knows, as he declares, of no title which they can upon their own principles advance to this fair domain of nature superior to his, but that of chattering in a certain jargon to him unintelligible; and whom, in the language peculiar to himself, he has described

"as

“as the croud of men on the other side the channel who have the impudence to call themselves a people.” Is it necessary to descend to the humiliating task of replying formally and seriously to this monstrous aggregate of absurdities? covered, but not concealed by the painted gossamer veil of metaphor. That a dissolution of government, or of the social compact, has taken place in France, because an assembly delegated by the nation at large for that express purpose has altered the form of its constitution, is a position too extravagant for refutation. And allowing the actual “dissolution of society in France,” to maintain that in a state of nature the people can have no rights, and are exempt from all obligations, is a position worthy of the same author. In this, as in most other instances, however, Mr. Burke stands self-confuted and self-exposed. “Natural rights,” says this singular writer, (*Reflections*, p. 88,) “may and do exist in total independence of government, and exist in much greater clearness, and in a much greater degree of abstract perfection; but their abstract perfection is their practical defect.” And again: “In the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity of their

their original direction." According to this doctrine the rights of men, and consequently their duties and obligations, are much clearer in a state of nature than in a state of society: and by a dissolution of the social compact that beautiful moral order and harmony, so much admired by Mr. Burke, are not destroyed, but restored.

But to conclude: Innumerable are the reproaches and almost insuperable the difficulties to which the people stand exposed, who are engaged in an actual resistance, however just or necessary, to the powers that exist. Happy may that nation therefore justly be accounted, who, enjoying the inestimable advantages of a mild and free form of government, feel themselves under no temptation to violate their civil obligations in order to establish their essential rights: and who, in their efforts to improve and perfect that form, reject with indignation the idea of having recourse to any methods but such as are peaceable, legal, and constitutional.

Happy, but in an inferior degree, may that nation also be esteemed, which, suffering long under the rod of oppression, is at last able effectually to assert and establish its rights and liberties, though at the expence of its treasure and its blood—which hath not only courage to redress its own wrongs, but wisdom to devise, and unanimity to establish a system calculated to extend

tend and perpetuate its own happiness! And if any one, from whom better things might reasonably be expected, should prostitute the powers of genius and eloquence, once employed to a far different purpose, to vilify and traduce an attempt so glorious: should he even be so miserably blinded by passion and prejudice as to pronounce such a Revolution “a tyrannic usurpation,” and write volumes of studied and high-flown declamation, intermingled with rash and precipitate censures, in order to expose it to the detestation of mankind; he would be viewed by them not so much perhaps with resentment as with pity. And could they deign to notice such an opponent, they might satisfy themselves with applying to him the character of a once famous orator, as it has descended to us from the historians and critics of antiquity:—“*Primis enim contempto ordine rerum, omissa modestia & pudore verborum, ipsis etiam quibus utitur armis incompositus; & studio feriendi plerumque dejectus, non pugnat, sed rixatur.—Ingenii plurimum est in eo, & acerbitas mira, & urbanitas, & vis summa; sed plus stomacho quam consilio dedit.*”

ESSAY XXVII.

REMARKS ON PARLIAMENTARY REFORM.

AMONGST the many great and interesting political questions which have been agitated of late years in this country, the most important is certainly that which relates to the propriety and necessity of a reform in the present system of representation. For if the legislative body be itself imperfectly or defectively constituted, a multiplicity of evils must inevitably flow from a fountain originally corrupt. And it is doubtless of far greater consequence effectually to eradicate the cause, than to provide a remedy for any of the specific mischiefs resulting from it. Historians and political writers of all parties agree, that at the æra of the Revolution a system of regal influence was gradually substituted by the new government, for that high and imperious exercise of prerogative by which the Kings of the House of Stuart attempted in vain to subvert the liberties of this country. Various efforts, at various times subsequent to that period, were made with unequal success, to establish the integrity and independency of Parliament upon a solid

solid basis. In the reign of King William the duration of Parliaments, till then indefinite, was limited by the Triennial Act: landed qualifications to an high amount were by a subsequent statute required of the members of the House of Commons. By another regulation, members accepting offices under the crown vacated their seats in Parliament, and such as received pensions during pleasure were absolutely incapacitated. So inefficacious, however, were all these different measures, that in our own times, and at a period of recent date, the House of Commons, impelled by the force of conscious conviction, declared by a solemn vote that "the influence of the crown had increased, was increasing, and ought to be diminished." And with the general approbation of the nation efforts, faint and feeble indeed, were actually made, to reduce this dangerous influence within just and constitutional bounds, by the abolition of various places and offices under the crown, by the exclusion of public contractors from the House of Commons, and by the disfranchisement of certain descriptions of revenue officers. Notwithstanding these Acts, the operation of which was prodigiously over-balanced by the vast accession of patronage which accrued to the crown by the India Bill of Mr. Pitt, by the astonishing increase of the civil and military establishments,

and the enormous addition within a very few years made to the national debt, it still remains at least as true as ever, "that the influence of the crown ought to be diminished."

The American war being evidently continued by the mere strength of that influence, long after it had become odious to the nation, it began at length to be clearly perceived, that the only effectual mode of accomplishing that diminution was by a radical reform in the system of representation. And Mr. Pitt, the present minister, then in opposition, brought forward a motion in Parliament, May 1782, for an enquiry into the state of the representation, which was so forcibly supported, that the question was lost by a majority of 20 voices only. Amongst other striking observations of Mr. Pitt on this occasion, he declared his belief, "that there was no member of that House who would not acknowledge, that the representation as it now stood was incomplete. It was perfectly comprehended that there were some boroughs under the absolute influence of the Treasury, and which had no one quality of representation in them. There were other boroughs under the patronage of some lord or great man, whose representatives alone the members of such boroughs could be accounted. Another set of boroughs claimed to themselves the right of bringing their votes to market.

market. Far from consulting the interests of their country in the choice which they made, they held out their boroughs to the best purchaser; and in fact some of them belonged more to the Nabob of Arcot than to the people of Great Britain. Would any man say, that in this case there was the most distant idea or shadow of representation? The reverence and enthusiasm entertained by Englishmen for the constitution might eventually be the means of destroying the constitution, if they determined not to touch its defects lest they should endanger its excellencies. Such defects as these affected the radical principles of the constitution, and to remove them would be not innovation but restoration. In these sentiments he knew that he concurred with many of the greatest and wisest characters this kingdom could boast, and particularly with his much honored father the late Earl of Chatham, who was firmly of opinion that a reform of the representation was absolutely requisite for the security of our constitutional liberties."

And that upright and disinterested patriot Sir George Saville, who zealously supported the motion of Mr. Pitt, by a beautiful illustration, compared the constitution of this country, so admired and venerated, to an ancient oak which he had observed not long since upon his estate green and flourishing, and in appearance per-

festly found; but on passing this tree he saw a hole or two in the trunk, which led him to a close inspection of it, when it was found *rotten within*.

Far from appearing discouraged at the failure of his first attempt, Mr. Pitt pledged himself never to lose sight of the object, but to use his utmost efforts both as a man and a minister to secure its ultimate success. But from some secret cause, his efforts soon lost their energy, and the matter rested or rather slept with little interruption for seven years, till the astonishing Revolution effected in France excited a spirit of political examination and enquiry in the minds of very many persons in this country, accompanied no doubt with respect to numerous individuals and even societies of men, whose general rectitude of intention there is no ground to question, with very wild and visionary ideas of government, and with a fondness of political experiment and change utterly incompatible with sound policy and discretion, and perhaps not entirely consistent with a regard to the national peace and safety.

It is not necessary to say how sensibly these ideas were fostered by the bold and extravagant reveries of a man who could never have attained to any distinguished reputation, as a writer on general politics, had not the minds of a great

part of the nation been previously irritated and alienated by the obstinate adherence of the government of this country to the wretched policy of Test Laws, excluding men, on account of religious diversities of opinion, from the rights of men and citizens. In the famous publication of Mr. Paine, it must be acknowledged, notwithstanding the utter contempt of decorum, and the speculative absurdities which characterize it, that many gross political abuses, arising out of the present enormous system of corruption and extravagance, are attacked with extraordinary vigor and success. This book, however deficient as an argumentative treatise on government, is calculated to make a powerful impression on the public mind; and it possesses, in an eminent degree, that animation and ardor without which judgment is of no avail, and knowledge has no efficacy. On the other hand, under a thin veil of benevolence, an envious and malignant mind is very discernible; cherishing, for whatever cause, a rooted enmity to this country; rather chusing to be "a canker in the hedge, than a rose in her grace." Not perceiving, or not caring to perceive, that if there are great evils in the state to be remedied, there are far greater evils to be avoided; and that it should be the *primary concern* of reformers not to make a disadvantageous exchange of evils, he knows no me-

dium between reformation and subversion, reparation and ruin. To adopt the Shakesperian language and imagery, he looks with anticipated delight,

“ As doth a raven o’er a sick-fallen beast,
On all the vast confusion that awaits
The imminent decay of wrested pomp.”

A prior, and no less potent cause of the present dangerous inflammability of the public mind, is another publication justly celebrated for the splendor of its eloquence, but containing “ Reflections” in the highest degree abusive and malignant, upon all those who approved of and rejoiced in the subversion of the ancient despotism of France, and inculcating sentiments unheard of for a century past in this country, and which rendered the book *a libel* upon all free governments.

“ Supposing,” says an excellent writer, Sir Brooke Boothby, “ that the theory of the French Revolution had excited any fanatical admiration in this country, what could be more injudicious and ill timed than to excite and irritate this passion by the angry persecuting heat of such a work as the Reflections? The Reflections preceded and provoked the Rights of Man; and whatever mischief is produced by the latter must be ultimately referred to the former. Anger generates

nerates anger, and intemperance begets intemperance. By the collision of zeal against zeal, the train is set fire to, and the voice of reason is utterly stifled in the noise and confusion. To charge men with mere terms of abuse, requires or evinces no superiority of any kind. Such appellations as "infamous gang," "wicked faction," "tyrannic impostors," "incendiaries," "assassins," "housebreakers," "robbers;" such epithets as "foul," "impious," "monstrous," "savagelike," "barbarous," "treacherous," "wicked," "cruel," "clumsy," "stupid," &c. &c. may always be hurled back upon the adversary with more force than they are at first employed, because the usage of them is justified by example."

In this critical state of the public mind, when the nation was manifestly deviating every day more and more into two very opposite and dangerous extremes, it was judged expedient by many of the most judicious advocates and "Friends of the People," to establish an association which should have for its sole object a reform in the representation; presuming that this great object once attained, every necessary and beneficial alteration would be gradually accomplished by the wisdom and authority of the legislature, in a regular and constitutional method. They hoped that the utility of this measure was

so well ascertained, and rested upon such high authority, as to rescue them from the reproach attending the character of violent and restless innovators on the one hand; and on the other there appeared a fair probability, that when a grand and specific constitutional object was proposed by persons of distinguished rank and influence in the community, the different political societies already formed would be content to relinquish their visionary, however well-meant projects, and to concur in the prosecution of a moderate and practicable plan, comprizing in it the stamina of future and successive improvements.

In order that the attention of the nation might be fully awakened, Mr. Grey, a leading member of the association, gave notice in the House of Commons, in the month of April last (1792), of his intention to bring forward, in the course of the ensuing session, a motion on the subject of Parliamentary Reform. The minister, in a vehement speech, inveighed against the indiscretion and temerity of this design in the existing circumstances, and went the extraordinary length of saying, that he would rather give up every hope and expectation of reform, than yield his assent to a motion so unseasonable and fraught with so much danger.

In a very short time after this a royal proclamation

mation was issued of an unusual nature, complaining of the propagation of seditious principles and writings, and denouncing judgment upon the persons of the offenders. The House of Commons being moved to address the King upon this subject, a warm debate arose, in which the minister was charged with exciting or endeavoring to excite feuds and contentions in the kingdom, in which no symptom of disorder then existed to justify so unprecedented a measure: with insidiously aiming to intimidate the friends of liberty; counteracting their efforts, and creating *prætexts* for representing those who were associated for the purpose of obtaining a Reform in Parliament as enemies of the constitution; and in bitter terms reproached with apostatizing from his own original and avowed principles. Mr. Pitt, nevertheless, professed, "that his principles, respecting the expediency of Parliamentary Reform, were retained by him in their full force, though he could not admit this to be the proper time for reviving the consideration of it." To a minister of state, doubtless, any time for the purpose of making motions of reform, must be expected to appear preferable to the time present: but the plea of danger arising from any internal agitation, or tendency to tumult, was urged with gross inconsistency by the man who had described the kingdom, in his speech at the
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commencement of the session, as in a state of profound tranquillity, and in all respects flourishing and prosperous beyond all former æras. Had the motion of Mr. Grey met with the concurrence and support of government, it is very improbable that any serious alarm would have been excited. But by raising clamorous exclamations of danger to the state, an alarm must be diffused throughout the nation which might afterwards serve as a justification of the minister's opposition.

Should it be asked, what are the mighty evils which flow from that influence of the crown for which a reform in Parliament is believed to be the only adequate remedy? it may be replied in a few words: the predominance of a spirit of regal pride and ambition in the national councils, displaying itself in an almost uninterrupted series of wars for almost a century; a consequent inattention and comparative indifference to the domestic and internal concerns of the kingdom; a peace establishment, including the civil list, of six millions: a national taxation of seventeen millions; of which the dire effects are seen in a dissolute, impoverished, and miserable commonalty, supported not by the fruits of their own industry and œconomy, but by a compulsive and oppressive contribution of two additional millions annually levied upon the public. In
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the higher classes of the community the effect of the same enervate and corrupt system is seen in the rapid and alarming increase of dissipation, luxury, and a prevailing indifference, or rather contempt, for the great sanctions of morality : together with a disposition, becoming every day more fashionable, to treat all subjects, however interesting and important, in a style of levity and ridicule, and to represent all pretensions to public virtue and public spirit as romantic and chimerical. To these evils we may add, that a national establishment professing to inculcate and enforce the divine truths of our religion, and which so far as it conduces to this purpose is the just object of veneration, is in danger of falling into the contempt of the serious and intelligent, from the accumulation of errors and abuses, long the subject of regret to its more enlightened members, but of which it is in vain to expect a reform till a previous reformation has taken place in the state, with which it boasts so strict and intimate an alliance. We know that while the present weight of regal influence oppresses and restrains the volitions of the legislative body, these evils will not only continue, but continue to increase, till at last a general convulsion may be necessary to relieve the country from grievances and burdens which a wise and timely caution only is now wanting to avert.

It

It is true, we are frequently told that the nation is in a state the most flourishing and prosperous; but this assertion is hazarded with very little knowledge of the real interior state of the kingdom. If there be just reason to affirm that the bulk of the community enjoyed, in the times preceding the Revolution, much more ease, comfort, and happiness, than at present; the kingdom, unquestionably, upon the whole, was in a far more prosperous state a century ago than it now is, notwithstanding the establishment of a free constitution in this country; from which the lower classes of the people have hitherto, in my opinion, derived very little advantage indeed. In consequence of the Revolution, and as a most fatal appendage to it, this nation has been engaged in a series of wars, supported, at an enormous expence, by impositions the most grievous and oppressive. But it merits remark, that the creation of a national debt bearing interest is, in fact, the creation of a new and artificial species of wealth, of which an artificial and proportionate measure of poverty is the necessary concomitant. And the rich stockholder is a man who fares sumptuously and luxuriously upon the produce of taxes levied upon indigence and misery. The great extension of foreign commerce, and may we not add, the avidity and licence of foreign plunder, have also been the means of in-

increasing the wealth of individuals to an enormous amount; and it must be allowed that at no former period did so great a number of families live in a stile of such splendor. There are also very many persons who enjoy lucrative places under the government, or who in some mode derive great pecuniary advantage and emolument from their connection with it; and who thrive in proportion as the public burdens increase. All these different classes of men talk much and loudly of the flourishing state of the kingdom. But those who are conversant with the middle and lower ranks of the community, who have visited the cottages, or rather the *hovels* of those stiled, in the language of aristocratic insolence, "A Swinish Multitude," are sensible of the fallacy of this flattering, but fatal delusion. There is nothing in which those who have attended to the subject, and who are most competent to judge, are more perfectly agreed, than that the *laboring poor*, who form the rustic base which supports the grand fabric of society, were never in a state so truly distressful as at present. The great influx of wealth, by reducing the value of money, while the hire of the laborer continues nearly the same, has been to them highly and obviously detrimental. The whole system of poor's laws, which was originally and humanely intended for their relief, is become the instrument
of

of their oppression. Exposed to all "the ills that flesh is heir to," the victims of parochial and municipal tyranny, perishing with nakedness and famine; they are consoled, shall we call it, or insulted with the declaration, that the country they inhabit was never in so flourishing a condition. But for one, I never can, I never will admit that to be national prosperity, which is consistent with such displays and such increase of national wretchedness.

Near a century ago, when the ruinous system of funding was in its infancy, the famous Dr. D'Avenant declared, "that whenever this kingdom should be arrived at that period of ill conduct as to pay five or six millions per annum, we might venture to pronounce, that the common people of England would then grow as poor and as miserable as the common people of France." At this day more than three times that sum is raised upon the people of England, in a time of profound peace, and the effect produced is such as to move the deep concern and commiseration of the good, though it cannot excite the wonder of the wise. Nor is it to be inferred, that the sovereigns who have swayed the sceptre of these kingdoms, since the æra of the Revolution, or the ministers employed by them have, in respect of general rectitude of character, sunk below the level of their predecessors or contemporaries—
far

far from it. But such is human nature, and such the certainty and precision with which moral causes operate on human affairs, that it may be assumed as an infallible maxim, that in situations where power is liable to abuse, from the perpetual recurrence of temptation, there power will be abused. Nor will it be always perceived by the individuals who are placed in these exalted and hazardous situations, how far their actions deviate from the genuine standard of rectitude; satisfying themselves with acting as political expediency, viewed through a false and delusive medium, may require.

The defects of the present system are indeed easily pointed out, but who, it is said, will pretend to assign the proper remedy? An alteration does not necessarily imply an improvement in the system; and we ought to be well assured that greater evils will not result from any specific plan of amendment or reform, than those which we now endure, and of which we know the full extent. This language is indeed so far founded in wisdom, that it must be acknowledged of indispensable importance to consider with the most calm and deliberate attention the nature of the remedy proposed, and the general effect which it is calculated to produce. If, however, the theoretical defects of the present system, and the practical evils resulting from it can be made
clearly

clearly to appear, it is the part of rational wisdom to devise a remedy: and it is not surely for any individual arrogantly to affirm, that for these acknowledged defects and evils no remedy can possibly be found. The most blind and excessive admiration of the British constitution will scarcely carry any one to the length of asserting, that less than 6000 men ought to choose more than one half of the representatives of nine millions of people—that seats in the legislature are with *advantage* to the public bought and sold “as common as cattle in a fair”—that the executive government can claim, on any ground of reason, the virtual appointment of a large proportion of the legislative body—that the borough of Old Sarum, consisting of a single tenement, ought to return as many members to Parliament as the city of Westminster or the county of York—that the confusion and riot attending the present Gothic mode of conducting popular elections are favorable to the general welfare of the community. These are solecisms which no man can seriously attempt to defend. It is evident that they are the anomalies of a system irregularly and fortuitously formed; and to suppose that no human sagacity is competent to rectify these glaring political absurdities, is an assertion which requires not less effrontery to utter than patience to hear.

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In allusion to these pernicious influences and preposterous inequalities, a late celebrated political writer and divine, in the language of patriotic indignation, ventured to stile the present system "a shadow and mockery of representation," for which, amongst other *senseless assertions*, he has been stigmatized by Mr. Burke as "a political theologian or theological politician, equally ignorant of the character he left and that he assumed"—and scurrilously reviled as the genuine successor and counterpart of the wretched fanatic Hugh Peters. But a less extensive knowledge of history than that possessed by Mr. Burke might have suggested to his recollection, "a political theologian or theological politician" of another description, whose character and writings bear a much closer analogy to those of Dr. Price—the famous Father Paolo Sarpi, who was in his day regarded by the enlightened part not only of his own countrymen but of Christendom at large, as "the Apostle of Liberty"—who in his memorable contest with the court of Rome vindicated the civil and religious rights of the state of which he was a member, and virtually of all mankind, with such resplendent ability and success, as to shake to their very foundation the pillars of that sanctuary of priestcraft and spiritual usurpation. The Venetian senate, not being as it seems conversant in Mr. Burke's

maxims of state policy, thought it no degradation of their dignity to ask the advice and to be guided by the counsels of this simple Friar, in the most difficult and critical emergencies. Like the venerable patriot whom Mr. Burke has made the object of his malignant abuse, he had the satisfaction to see a diffusion of knowledge, to which he had eminently contributed, undermining superstition and error. And it is recorded of him, that in the latter period of his life he was often heard to repeat, or as Mr. Burke would stile it, "to prophane" the beautiful prophetic ejaculation, *Lord, now lettest thou thy servant depart in peace, &c.* And feeling his ruling passion strong in death, he breathed out his last ardent wishes for the safety and prosperity of his beloved country with Roman energy, in the words ESTO PERPETUA.

In discussing the subject of a radical Parliamentary Reform, the cardinal points to which it is necessary to advert are population, riches, and extent of territory. These the Constituent Assembly of France have stiled the three BASES OF REPRESENTATION: but to which Mr. Burke has been pleased to assert "that no one in England pays any regard out of a few giddy clubs." But if these are not circumstances which merit attention in forming or reforming a system of national representation, it would be great condescension

descension in Mr. Burke to inform us by what considerations, political, metaphysical and moral, we ought to be guided? A few persons indeed, misled by erroneous abstract notions, have maintained that every man possesses an equal and inherent right of sharing in the powers of government, by himself or his immediate representative, and that the representation ought to be founded solely on the basis of population. But though all men are born equal with respect to their rights, it is no less certain that in a state of society those rights are to be exercised, modified and regulated in such manner, as may be most conducive to the general good. And every system of morals and metaphysics is delusive and dangerous, which does not found civil and political right upon the basis of utility. "The rights of man in society are his advantages," as Mr. Burke has truly told us; and that system of government approaches nearest to the standard of perfect rectitude which secures the greatest number of advantages, and is productive of the greatest sum of happiness. It is not absolutely necessary then, to confine our views to the circumstance of population merely, if the good of the community require other circumstances to be attended to. And the exclusion of certain classes of citizens from the rights of elective franchise, supposing the existence of valid and sub-

stantial reasons grounded on the general interests, is perfectly compatible with the justest ideas of liberty.

The grand axiom of equitable government is this—that as all men are naturally equal, all civil or political inequality must rest on the basis of public utility. If then any class of men be disqualified, in a moral view, by extreme ignorance, gross venality, abject dependence, or any other cause, from exercising the privilege of voting in the elections of those who are to guide and govern the great concerns of the community, they have no more right to complain of the injustice or hardship of not being permitted to nominate the rulers of the state, than of the injustice of not being allowed to rule the state in person. On the general principle, that no distinction should be made but what is grounded on some reason, all are entitled to this privilege, excepting those who would exercise it in a manner injurious to the society of which they are members, and ultimately therefore to themselves. But if this exception be admitted as just, the plan of universal suffrage proposed by some visionary reformers in this country, and openly patronized by a nobleman high in rank and office, the Duke of Richmond, may be considered as superseded and absorbed in the grand question.—What plan or system of representation would, in the actual circumstances

cumstances of the country, be productive of the happiest and most beneficial effects?

It must be admitted, that in the introduction of any innovation, by way of improvement, into an established system of polity, care should be taken not to deviate farther from antient modes and customs than the necessity of the case requires. Therefore to recommend a system such as is now adopted in France, supposing it in theory the most perfect hitherto devised by the art or wisdom of man, would not in this country be judicious, because the deviation is greater than is necessary to secure the end proposed. The antient division of counties in this kingdom, though strangely unequal, is not attended by any sensible inconvenience. We want no new territorial arrangements; and the evils for the prevention of which the intermediate delegation of electors is provided in France, may perhaps be as effectually guarded against by precautions better adapted to the opinions and prejudices of Englishmen.

Also, though population be not the sole, it must be acknowledged the primary principle of representation, to be deviated from no farther than the public welfare may require: and a modification of this principle the public welfare most evidently does require. For on the basis of population only, the county of Middlesex, to-

gether with the metropolis, including more than a million of inhabitants, would be entitled to send an hundred members to Parliament. And this great body of delegates being deputed by a class of men, residing within such narrow limits, would certainly carry with them into the legislative body, attachments and prejudices by no means consistent with the public good. A powerful local interest would be perpetually opposed to the general interest; and as the same evils, though in an inferior degree, would result from the adoption of the same abstract principle in other parts, a combination of local interests would in all probability take place in the assembly of representatives, by which the general interests would be in imminent danger of being overpowered and oppressed. By the introduction of local and exclusive privileges, the whole nation would in a succession of years be virtually divided into separate communities. Mutual jealousies and enmities would inevitably arise from this state of things; the equity and justice of the legislative body would be no longer relied upon; no common centre of union would remain, and the fancied abstract perfection and harmony of this system would be productive of real discord and practical wretchedness. Let then a just regard be paid to the other great concomitant principles of contribution and extent of territory,

and the evils resulting from an exclusive adherence to the principle or basis of population will be corrected and removed. A large and extensive province, which contains within itself all the different ranks and orders of citizens, though inferior in proportionate population to many smaller districts, is much less likely to harbour local prejudices, or to be influenced by a regard to local interests. Respect, therefore, in apportioning the claims of representation, should be paid to extent of territory in that province, as it may be far more safely entrusted with the appointment of a larger number of representatives, than a smaller district including within its jurisdiction great and populous towns, which will necessarily be actuated by more partial and contracted views.

A regard also to the principle of contribution or revenue, as well as extent of territory and population, is highly equitable and just. Not that any respect is due to the claims of those commercial classes of citizens, who pay indeed large sums into the public exchequer under the denomination of customs or excise; but who are themselves repaid no doubt with interest, by levying proportionable contributions on the consumers of their commodities. But it must be admitted that of two districts equal in point of population and territorial extent, if one really

and without any commercial fallacy contribute in a two or three-fold proportion to the other towards the pecuniary necessities of the public, some regard should be paid to its relative and superior importance in the state. The degree of attention due to this principle must undoubtedly be regulated and restrained by that supreme regard, which watches with unceasing solicitude over the general welfare. But surely the general welfare itself is advanced by the advancement of individuals to an higher rank and consideration in the state, in proportion as they contribute by their superior affluence to the general prosperity.

That these reasonings are in a great degree novel will easily be admitted; but that they are therefore the less just must be denied. In the constitution of the Roman republic, the two principles or BASES of contribution and population—for territorial representation was not under that constitution at all adverted to—were blended or rather comprehended in a manner strikingly singular. In the COMITIA CENTURIATA the people voted according to their *census*; so that the higher classes when unanimous, or even the first class alone, determined the whole, and with the authority of the senate established a law. In the COMITIA TRIBUTA the votes were equal, and the sanction of the senate not being there requisite,

requisite, the lower classes of the people gave law to the state. As, however, the real power of this latter assembly greatly preponderated, the aristocratical competition established by the constitution operated not in fact to the prejudice of the state, but on the contrary served on many occasions to restrain the violence of the democracy. Nevertheless it must be confessed that the ancients, though animated by all the enthusiasm of liberty, were very defective theorists on the science of government. The constitutions both of Rome and Athens were replete with political errors and absurdities. But what system founded on the love of liberty is not infinitely preferable to despotism? The characteristic defect of those celebrated constitutions was their incompatibility with the permanence of public order; their characteristic excellence was the unbounded scope they afforded to every species of personal and intellectual exertion. They were governments in which patriots, heroes and philosophers, seem of indigenous growth.

But it has been plausibly objected, that the principles or *bases* of representation now stated, allowing the propriety of them, afford no certain *data* on which to establish an equal system of representation. Any one of these principles unconnected with the others, it may be said, affords indeed a basis on which an accurate calculation may

may be grounded, and a system perfectly consistent with itself be established. But by admitting the validity of all, we introduce confusion and incoherency into the general system; the radical positions on which it rests are at everlasting variance, and there is no criterion by which the just modifications of these discordant and opposing principles can be ascertained, or the result of their conjunct force be estimated. In answer to this objection, it must undoubtedly be admitted that this political *rule of three*, this grand complex problem of state, admits neither of arithmetical nor geometrical precision. It leaves much, nay in fact it leaves every thing ultimately to judgment and discretion, for it founds all political right upon political utility; and that utility must itself be determined by reason and judgment. By the term *equal representation* cannot certainly be intended a representation strictly and literally equal in all respects, and in all imaginable points of view, for this is manifestly impossible. A representation founded on the basis of equality of population cannot be equal in respect to extent of territory and revenue. A representation on the basis of territorial equality cannot be equal in respect of population and riches. And a representation founded on the equality of property cannot be equal in respect of population and territory. Mr. Burke might therefore

therefore have spared himself the pains of ad-
 ducing such *elaborate proof*, that the representa-
 tion of France is not perfectly equal in all the va-
 rious senses of equality. Human wisdom in this
 case can do no more than combine the different
 principles of representation in such proportion,
 as shall upon the whole be deemed most effectually
 to secure the grand object of representation—
 the liberty and happiness of the community.

The principles of action proper for a nation
 to assume are perfectly analogous to those by
 which the conduct of every reasonable agent
 ought to be directed. In all situations of mo-
 ment and difficulty we feel the force and energy
 of various distinct and perhaps opposing princi-
 ples. Our volitions, if rational, are determined
 by the conjunct force of the several motives
 which prudence and wisdom suggest. Both in
 public and private life, we must view and re-
 view the leading measures of our conduct, in
 connection with all those circumstances by which
 they can be materially affected. And after all,
 we must not trust to any *isolated* abstract principle
 for guidance and direction, but to our own dis-
 cretion, on a general survey of principles as
 applicable to particular situations and circum-
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undoubtedly rules of action, both political and moral, which are properly and strictly speaking immutable, because they are manifestly founded on the basis of reason and utility. That the great end of government is the happiness of the people; that the people are entitled to all that liberty which is consistent with happiness, and all that power which is consistent with liberty, are just and incontrovertible maxims of government. But in applying these principles to practice, great and unavoidable differences of opinion will unavoidably arise, in determining wherein the happiness of the people really consists, what degree of liberty is consistent with happiness, and what degree of power with liberty, as distinguished from licentiousness. General abstract truths, however clearly perceived and universally acknowledged, will contribute little to the solution of practical questions like these; and our opinions must be gradually and are often insensibly formed by the comparison and contemplation of a multiplicity of circumstances, none of which can pretend to the force of demonstration, though all contribute to strengthen and confirm the general proof. There is no error more fatal in government, and to which it must be confessed that many of the present race of reformers have shewn themselves dangerously prone, than to lay down as axioms certain principles,

ciples, which properly explained and modified cannot perhaps be justly controverted; and to insist that these principles or axioms should be carried, according to the most rigid construction of them, into immediate and universal effect, without regard to difference of opinions, habits, situations or circumstances. There is, as Mr. Burke has truly said, a fanaticism in politics as well as in religion, and the prevalence of such a spirit is no less to be dreaded and deprecated in the one than in the other. But if no attempts at reformation either in church or state are to be made till the race of religious and political fanatics is exterminated, the rulers of both, in what degree soever they may abuse their authority, will probably remain unmolested for centuries to come on "their thrones and couches of preferment."

Supposing, however, the nation entirely convinced of the utility and necessity of a reform in the national representation, and that the Parliament should enter seriously into the consideration of a specific plan of reform, the first step would naturally be, to ascertain, *all circumstances considered*, the just proportion of representatives from each particular county; the next, to determine what places should, conformably to the new regulation, be divested of, and what invested with the privilege of sending representatives to Parliament;

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liament; and lastly, to fix the qualification of voters, and the mode of voting. It seems equitable and just, that one and the same rule should pervade the whole kingdom; and that all householders, renting tenements which may be supposed to place them upon a level with freeholders of forty shillings *per annum*, should be admitted to the privilege of voting. The mode of election by ballot would probably be deemed most eligible; the election, throughout the kingdom, might, with great ease and advantage, begin and close in one day; and the most effectual means ought, no doubt, to be adopted, to prevent both canvassing and treating in any form. The inconveniences attending frequent re-elections being entirely obviated by this plan, triennial, or even annual elections might, in perfect consonance with the spirit of it, be at the same time restored. Thus would the order and decorum of elections be preserved, and the dignity and independency of Parliament permanently secured; the aggregate number of electors would be greatly multiplied, and their rights fully and peaceably enjoyed*.

Under

* The system of Representation stated in this Tract, is by no means recommended as the best which could be devised, but as the best which the people of England are perhaps able to bear. The plan since sanctioned by the public, and unanimous approbation of the Association of the Friends of the People,

Under this new arrangement the landed qualification of members, the exclusion of placemen, and the disfranchisement of particular classes of citizens, would become wholly unnecessary.—The people at large would make choice of those whom they deemed most able and willing to serve them. And certainly, it does not follow that a man must become disaffected to the interests of his country, in consequence of his acceptance of an office of honor or profit under the crown. On the contrary, a total exclusion of placemen, and more especially of the great officers of state, from seats in Parliament, would be attended with the most sensible ill effects—as having a direct tendency to establish two separate and hostile interests in the state. The leading men in Parliament, entertaining no hope of attaining to the great offices of state themselves, would exert their utmost influence to render them insignificant and contemptible. The executive power would be gradually transferred to the legislative body; its functions would be exercised by parliamentary committees, and a republican system, crude and indigested indeed, would be insensibly introduced. The monarch would be irritated

People, conformably to which freeholders and householders, in conjunction, elect for the district or county only, to the exclusion and extinction of subordinate municipal rights, is doubtless superior, in all respects, in ease and simplicity, no less than energy and effect.

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by perpetual, and often groundless opposition. Instead of being the constitutional guardian and supreme executive agent of the community, he would become a political incumbrance, which it would be equally dangerous to cast off or to retain. Able and popular ministers of state, who have at the same time admission into the cabinet councils of the monarch, and the legislative assemblies of the nation, and who, by mutual consent as it were, take the lead in both, form that constitutional bond of union between the two grand branches of government, which is necessary to maintain order and harmony in the state. But if one set of men direct the executive, and another the legislative councils, a most dangerous rivalry will be created: the energy of the executive government will be weakened, and government itself exposed to contempt. Liberty will first degenerate into licentiousness, and it will be well if licentiousness does not at last terminate in anarchy.

Mr. Burke has, with peculiar absurdity, ridiculed and traduced the new constitution of France, on the ground of its being a metaphysical system; as if it were possible to separate metaphysics from politics. Every wise and durable system of polity must be founded on a comprehensive and accurate knowledge of the principles of human nature. In other words, it must
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be theoretically just, in order to be practically beneficial; for the justness of the theory consists precisely and solely in its tendency to accomplish its practical purpose. Whether every part of the French constitution, as established by the Constituent Assembly, was indeed consonant to that philosophy of the mind, which is all that the obnoxious term metaphysics denotes, may, I think, be justly doubted. Against the abuses and encroachments of the executive power, terrified with the idea of returning despotism, they opposed insurmountable barriers; they heaped *Ossa* upon *Olympus*, and *Pelion* upon *Ossa*. But against the dangerous inroads of democratic caprice, of anger, or ambition, in the legislative assemblies, the framers of this constitution seem to have thought no precautions necessary; and the monarch was left manifestly destitute of the means of supporting the authority, dignity, and efficiency of the executive government. Such is man, that the love of power, and the desire of extending and perpetuating it, is inherent in his nature; and therefore, under such a constitution as ours, according to the sagacious remark of Mr. Hume, "the interest of the individuals of whom the legislature is composed, must be opposed to the collective interest of the legislative body; naturally and incessantly seeking for occasions and opportunities of aggrandizing it-

self at the expence of the executive power, which, unassisted by influence, is in no condition to resist its attacks." The influence of the crown at present extends indeed far beyond what is necessary to preserve the balance of the constitution; and we do not now complain of a capricious or ambitious resistance to the measures of the executive government, but a blind and implicit *confidence* in their rectitude and wisdom. Under a system of efficient and general reform, a great and countless catalogue of superfluous offices and sinecures would be doubtless abolished. And of those which are really necessary, the crown might be safely entrusted with the unreserved disposal. And certainly, we must acknowledge, that the authority of the crown might be as well, and the splendor of the crown much better sustained, at an expence incomparably less, if we consider how large a portion of the civil list revenue is appropriated to the payment of the salaries of such as contribute nothing either to the one or the other. Since the establishment of a free constitution in this country, the attention of the legislature has been far too much engaged in the discussion and contemplation of foreign concerns. Were the limits of the British empire commensurate merely with the limits of the British islands, as at the accession of the House of Stuart, it is probable, or rather it is morally certain,

certain, that no real loss would be sustained. That the extension of territory is a thing very different from the extension of power, Spain at this day, compared with what Spain formerly was, presents a striking and instructive instance. Could foreign commerce be secured without foreign dominion, it were folly to retain a single detached possession. And if the undivided attention, and entire resources of the nation, were appropriated to purposes of national improvement, what a prospect of happiness and prosperity would be disclosed!

Let us for a moment imagine, that only half of the millions expended in a disgraceful and fruitless attempt to subjugate America had been employed in national improvements and embellishments, what paradisaical scenes might England at this time have exhibited! Can we not figure an Arcadian age restored, and "the sublime dreams of PIRANESI realized?" In lieu of the enormous and incredible sums raised on the people of this country since the accession of the present family, and more especially of the present sovereign to the throne of Great Britain, in support of a continual succession of wars, as if men created only for mutual destruction were eager to fill up the measure of their own miseries, how infinitely more worthy of rational beings were it to employ some small proportion at least of the national riches in

the various modes so beautifully enumerated by the poet:

— Make falling arts your care,
 Erect new wonders and the old repair:
 Bid harbours open, public ways extend,
 Bid temples worthier of the God ascend;
 Bid the broad arch the dangerous flood contain;
 The mole projected break the roaring main.
 Back to his bounds the subject-sea command,
 And roll obedient rivers thro' the land.

EPIST. TO L. BURLINGTON.

The revenues of a nation, when appropriated to works of national benefit or magnificence, may be compared to moisture exhaled by the sun from the earth, and falling again in rich and refreshing showers. It is impossible to conceive to what heights of felicity and splendor a country like this might arise, were the astonishing resources of which it is possessed devoted with fidelity and wisdom to purposes of real and public utility. Under such a state of things, a perpetual and noble emulation of art and industry would be excited. Riches would accumulate with accelerated rapidity. All the agreeable and pleasant accommodations of life would be far more generally diffused. Under a favorable and propitious influence, the intellectual faculties would open and expand; the human mind would become more vigorous and enlightened; the meanest

meanest classes of citizens would enjoy the blessings of liberty, and feel themselves deserving of it; and all would look up with grateful veneration to the government from which they derived these enjoyments. Let us consider what Attica, in magnitude scarcely equal to an English county, once was, and then let us pronounce, if we can, what England might in time be. There is in the nature of man an inextinguishable principle of activity delighting in the vigor of its own exertions; and productive either of the happiest or the most pernicious effects as it is ill or well directed. Were the love of our country and of mankind in general to become, by a systematic and diligent culture, the ruling passion of the mind, how would that principle be ennobled, and combined with knowledge and wisdom how beneficially must it operate, and how extensive would be its influence! The civil and political advantages we at present possess are, indeed, in a comparison with the wretched governments of the surrounding countries, very great, and ought not to be lightly depreciated. But though the idea of seeking any eventual increase of public liberty and happiness, by involving the community in scenes of contention and violence, is to be held in abhorrence, yet there is no just reason for concealing a firm and well-grounded persuasion that the present system is liable to great and

obvious exceptions; nor can it be imputed as matter of blame to any one to propose such measures as he deems conducive to purposes of national benefit. On the contrary, it is the incumbent duty of every good citizen to promote to the utmost of his power, and in every mode consistent with the established laws and constitution of his country, and in contempt of that censure and obloquy which he must expect to encounter, those INNOVATIONS which, upon a deliberate and impartial examination, he conceives to be real and necessary IMPROVEMENTS.

ESSAY XXVIII.

REMARKS ON THE BILL FOR THE BETTER SUPPORT AND MANAGEMENT OF THE POOR.

THE actual state of the poor in this kingdom is such as must necessarily excite the serious and, in all probability, the permanent attention of the legislature. The fatal and melancholy truth is too apparent to be denied, that for a long succession of years they have been gradually sinking deeper and deeper into the abyfs of poverty and wretchedness. And it is a fact attended with this extraordinary circumstance, that the nation or what, in the phraseology of politicians, passes for such, has been during the same period invariably increasing, as we are told with triumphant boasts, in riches, splendor, and prosperity. Our revenues have never been so great, our fleets and armies never so numerous and powerful, our birth-night balls, our galas and festinos never so crowded and brilliant. But is the grand end of government answered? Is the general happiness the result of this system? Assuredly not. We see every where around us a shocking and monstrous con-

traft of superfluity and want, of pomp and poverty, of magnificence and misery. To what caufes this ftate of things fo oppofite to that which every good government muft wifh, and every juft government require, is to be attributed, though by no means foreign to the fubject, would lead into too wide a field of difcuffion. The more immediate and preffing object of enquiry is, to afcertain the moft effectual remedy, or at leaft the beft palliation of the exifting evil.

Various plans have been propofed both in and out of Parliament for feveral years paft with this laudable view; but none fo unobjectionable as to meet with general and decided approbation. But the diftreffes of the poor having in confequence of the fudden and enormous rife in the prices of meat and bread-corn, in the year 1795, increafed to a moft alarming degree, a propofition of a nature highly interefting and important was, in the courfe of the enfuing winter, brought forward in the Houfe of Commons by a member of diftinguifhed talents and extenfive benevolence, Mr. Whitbread, for a law to enable the magiftrates in the different counties to fix the *minimum* of the price of labor. This was ftrongly oppofed by Mr. Pitt, who in a fpeech of great eloquence expatiated on the numerous imperfections and defects of the prefent code of poor's laws, and pledged himfelf at a future time to bring a Bill into Parliament for the
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establishment of a more rational and beneficial system.

This period is arrived, and a plan framed by the minister is now before the House for parliamentary and public discussion. And as eloquence, though it may be the means of *persuading men to believe* a measure just and necessary, wise and good, cannot contribute a jot or tittle towards making it such, this project of Mr. Pitt ought, and from a calm observer, must expect to undergo as strict and rigorous an investigation, as if the framer of the plan were, in no higher a degree than any other member of the House, graced with the power of words to embellish and adorn it.

The first and most striking objection to Mr. Pitt's plan is, that instead of simplifying a system already too complex, it makes, by engrafting a heap of new upon the existing stock of old provisions, the entire aggregate or code of poor's laws infinitely more operose, confused and intricate than before. On inspecting into this Bill of Mr. Pitt, we find, amongst other novelties, mention of parochial funds, schools of industry, county districts, visitors of the poor, justices of districts, guardians of the poor, wardens of the poor, &c. &c. in addition to what the laws now require; all which implies an artificial arrangement and complication of means for the attainment

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ment of a certain and definite end. This end, therefore, is not to be attained without constant and habitual attention, vigilance and assiduity. But from whom is all this care and attention to be expected, or of whom exacted? The generality of persons have business of their own, and amusements and occupations of their own, the frequent or habitual interruption of which causes often inconvenience, always impatience. It is not easy to convene at all times a sufficient number of persons to transact the most urgent public business, and least of all business relative to the poor, which is universally considered as beyond all other matters of public concern irksome and disagreeable. It may well be questioned whether it would be even possible, in the face of these obstacles, to carry Mr. Pitt's Bill into execution. It does not appear that the persons appointed to execute it are either to be rewarded for their care, or punished for their neglect. It were useless, therefore, to point out the absurdity of such sanctions. What is not in such cases done voluntarily, will never be done effectually or beneficially. In fine, a system with or without these sanctions, of such extent, intricacy and magnitude, is chargeable with the radical and fundamental fault of governing too much—the greatest and most frequent of all the faults incident to those in whom the power of government

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is vested. If no profit or emolument is annexed to the exercise of the duties enjoined, it must inevitably sink into languor and imbecility, and by an easy transition into contempt; if otherwise, into cabal and corruption—or to make use of a term but too well understood *into a job*. Let us now proceed to the examination of those specific clauses of the Bill which are most material and important.

Presuming that the words, p. 8, clause 12, “In case no such agreement shall be entered into, then every such parish *shall be bound singly* to maintain a school or schools of industry, &c.” are to be limited by the restrictive regulation in the former part, rendering the consent of the majority possessing also the preponderance of property necessary to every such establishment, the general idea seems very laudable and judicious. But the whole apparatus or *machinery* of visitors, guardians, wardens, and justices of districts, is here evidently superfluous. Those who are at the expence of erecting and maintaining the school are the proper persons to superintend it; and the apprehension of the impertinent or authoritative intrusion of strangers would only operate as a bar to its establishment. Parishes might be empowered to unite to raise money, and to elect superintendants or *directors* by a cheap and simple form, without subjecting them

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to so odious and useless an incumbrance. Supposing the parishioners endowed with common sense, they would doubtless make choice of such persons for the management of the schools as were qualified for the task, and the parishes employing them would be interested in exacting the performance of the duty. But compulsion should in this, as in all other respects, be as much as possible avoided. The Bill in question, by a most mistaken and oppressive policy, enacts, that the poor on the establishment of such schools shall be obliged on notice given to send, or in the soft and deceitful words of the Act, "*shall permit, on request made in pursuance of the Act,* their children to be received into such schools of industry; the earnings of such children to go in aid of the fund for supporting the schools; except such proportion as the justice of the district shall think proper to allot to the parents—otherwise the poor who refuse compliance shall not be entitled to any relief from the parish."

SURELY many poor persons, and particularly the most decent, orderly, and industrious of the poor, may have just and valid reasons for choosing to educate their children at home, in preference to sending them to the promiscuous and dangerous society of a school of industry! And is this to be converted into a plea for excluding them from all relief and benefit from the general system

system of poor's laws? In the name of humanity and justice, let not an Act intended for the advantage of the poor be thus perverted to the purposes of injury and oppression. If the schools of industry are likely to answer the ends in view, there is not a doubt but the poor will generally and gladly embrace the proposals thus liberally made to them. But if they were in other respects ever so eligible, compulsion would make them hateful; and at all events the poor ought to be left at full liberty to judge, on a review of their own situation and circumstances, of the benefit or propriety of such acceptance. Nor can any human authority possess a legitimate right to transform them into mere passive machines, to be moved only at the will and pleasure of a set of petty despots suddenly starting into existence, and calling themselves Wardens, Visitors and Guardians. But as the poor ought not to be compelled to send their children, so on the other hand the parishes ought not to be compelled to receive them into the schools or houses of industry. For if the charge of maintenance and education is to be borne by the parish, and the parents to be entirely exonerated, the probability, nay the certainty is, that many more applications for admission will be made than can or ought to be complied with. If parents are in a situation to bring up their families decently and

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comfortably, they ought to do so without throwing the charge of education upon the public; for it is the vainest and most futile of expectations that the earnings of a school or house of industry, under the best and ablest management, will suffice or nearly suffice to cover the expence. A house or school of industry, in any rational or intelligible construction, is nothing more or less than the workhouse described in the existing statutes; *i. e.* a place where the infirm are to be supported, the idle employed, and the refractory to be corrected. By empowering and encouraging parishes to unite, a very material objection to the few and simple provisions of the justly celebrated and salutary law of the 43d Eliz. as stated by Judge Blackstone, is removed, *viz.* that the parochial divisions of the kingdom are for the most part too narrow and confined, to admit of its being carried into execution in a manner consonant to the spirit of the statute.

Exclusive of this grand project for the erection and establishment of schools of industry throughout the kingdom, the Bill contains several remarkable clauses requiring separate and distinct consideration. The first of these, p. 2, enacts, "That any father entitled to the benefit of the Act having more than two children, or widow more than one child, unable to maintain themselves, shall be allowed from the parish or

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united parishes in which he or she may reside, a sum not less than one shilling for each child beyond the number specified, so long as such child or children shall remain part of the family of the father or mother." This is in effect to settle a pension by law upon almost every poor family in the kingdom, payable out of the parish rates. A wretched expedient indeed! evidently tending to the destruction of the small remains of industry, sobriety and œconomy still left among the lower classes of the people. There are thousands of laboring and manufacturing poor who are, even in these times, well able to maintain numerous families on the produce of their weekly earnings, who have no claim whatever to such an extravagant donation as this, and to many of whom it would only prove an additional incentive to idleness and drunkenness. If there are those, and too true it is there are, who toil and labour in vain to supply themselves and families with the indispensable necessaries, and a small share of the comforts of life, the obvious and only effectual remedy is to raise the price of their labour, and fix by legal authority the *minimum* of their wages. The *maximum* is already in innumerable instances established, though of this there is in the nature of the thing far less need. For it must at all times be infinitely more easy for the rich to defend themselves against the com-

combinations of the poor, than for the poor to resist the combinations of the rich. To attempt by any regular or systematic plan of agreement to raise the price of labor is criminal in the poor, but to depress and depreciate the value of their labor is not only lawful, but as it should almost seem laudable in the powerful and the rich. The laborer is worthy of his hire; and to make up the deficiency of short and scanty wages by a miserable weekly gratuity, is to substitute the shew of generosity for the substance of justice. Those who employ the laborer or the artizan ought to pay them an equitable compensation for their labor; and to throw the expence of maintaining them and their families upon any other class of persons than those who receive the benefit of their labor, is the grossest impolicy, the most flagrant injustice. It is only in extraordinary cases, when the laboring poor are thrown out of employment, or when illness and infirmity render them incapable of labor, that they have a legitimate claim upon the public at large for their protection and support.

The Bill goes on to enact, that any poor person not able to earn the full rate or wages usually given, and whose earnings shall be insufficient for the maintenance of his family, shall be entitled to receive, or, in the ambiguous words of the Act, "*it shall be lawful to allow him,*" from
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the parish rates, a sum equal to the deficiency. This is either a most fallacious, or a most pernicious regulation. Upon the present system, if a family with their joint and utmost exertions cannot provide for their own support, they must of course make application to the parish for relief, and relief must of course be granted. But if the clause has any meaning, and relief is to be granted in the mode and to the extent specified in the Bill, this absurd and preposterous consequence will follow, that the man who can earn ten shillings, and the man who can earn only five shillings per week, will be placed exactly upon a level. All motive and incitement to exertion will therefore be at an end. Man is naturally averse to labor, and when the lowest degree of labor is to be rewarded equally with the highest, every man will be tempted to feign excuses and pretences in order to evade the exertion, without suffering a diminution of the profit. In a state of poverty there are, and there ought to be, many gradations and shades of difference. Those who labour most and best, are, in the nature of things, entitled to more of the comforts and conveniences of life, than those who are either unable or unwilling to work with equal diligence or equal skill. An attempt to invert, or pervert this order of things, by any artificial arrangement, would argue great ignorance of

human life and of human nature. It should be the object of political regulation, to excite the spirit of industry, by securing to those who exert themselves with most ardor and success that share of the comforts of life which is proportionate to their labor; at the same time adopting effectual measures to avert from those, who are willing but not able to make the same exertions, the miseries of extreme and unaided poverty. As the principle on which the above clauses are founded is essentially wrong, it is scarcely worth while to remark, that the order respecting the re-imbursment of the sums advanced to persons resident in parishes, of which they are not legal inhabitants, would give rise to endless disputes and litigations.

The clause immediately following enacts, "That if it shall appear that any person wanting relief from the parish, would be enabled by the advance of money to purchase a cow, &c. to maintain himself and family, it shall be lawful to order the payment of such money in advance, &c." If this is meant to be left to the discretion of a parochial meeting, the clause is wholly redundant and nugatory. They already possess the power. But never did it yet enter into the imagination of any rational persons, *sharing the eventual risque*, to advance money for the purchase of a cow to a pauper applying for parochial relief. If indeed the order is to be made by the

visitors,

visitors, guardians, or justices of district, who are not parties interested, it will probably be done with little concern or consideration, and they will have no objection to acquire for themselves, at so cheap a rate, the reputation of humanity and generosity. But to invest one set of people with a power of putting their hands at pleasure into the pockets of another set of people, is surely a species of authority too invidious and arbitrary to be lightly or capriciously granted.

The next enactment is a wise and humane provision, that no person shall be excluded from parochial relief, &c. on account of their possessing property real or personal, not exceeding thirty pounds. It were only to be wished that this blank had been filled up with the word fifty instead of thirty.

The only remaining regulation of importance, not as yet touched upon, is that which respects the establishment of parochial funds. This under proper limitations, and with the necessary modifications, would unquestionably be a most excellent and beneficial institution: and the suggestion of such an establishment, as well as various other clauses and provisions of this Bill, discover a real and earnest desire to reform and improve the state of the poor, though blended with principles essentially and radically erroneous. The absurd and pernicious idea of pensioning the

poor was originally suggested by T. Paine; and the whole plan considered collectively is remarkably crude and indigested, little if at all superior to that of Mr. Gilbert, so justly and unanimously rejected by the House of Commons some years since, and from which it is indeed in great part borrowed. However laudable certain specific provisions of the Bill as a connected system, it is an aggregate of mischief and absurdity. To accomplish the purpose of it, deserves and demands the unremitting exertions of political wisdom. "The general happiness of a country," says a late excellent writer, "depends much more on the state of the lower orders than is commonly imagined. Not only the character and morals of the lower orders, but the general national character are affected by it. The wretchedness resulting from extreme poverty has a direct tendency to debase the human character.* Energy of mind, active bodily industry, and those continued exertions of both which so much improve intellect, promote health, and constitute happiness, cannot be expected in beings who are without hope, and who are not acted upon by the *stimulus* of adequate reward. A familiarity with

* Magnum pauperies opprobrium jubet
Quidvis et facere et pati
Virtutisque viam deserit arduæ.

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this kind of wretchedness has also an injurious effect on the minds of the higher orders. Some of the best principles of human nature are lost, and some of the finest feelings of man blunted by too frequent sights of misery. Benevolence, that principle which of all others most exalts our nature, is almost extinguished in countries where large classes exhibit a constant appearance of wretchedness. The relief of large numbers exceeds the limits of private ability; and the inability to do so much as is required, operates with too many as a ready excuse for doing nothing at all. Were instances of misery less frequent, the impression made by them would be stronger: their too frequent recurrence begets an insensibility, their magnitude placing them above the reach of private individuals to remedy. This begets a necessity for national benevolence. NATIONAL BENEVOLENCE! The very term is a preposterous absurdity. It is charity without its principle, the necessity for it implying national injustice. A nation is not to relieve the distressed of the poor by acts of charity; it ought to prevent their existence by acts of justice. The wretchedness of the lower orders in all countries is principally produced by the errors and defects of government. Arbitrary governments have the most immediate tendency to produce it; but all other governments which admit of a continued

increase of expenditure indirectly promote it; and even the best *form of government*, by errors in its administration, may participate in the evils of the worst*."

If it be now asked, what is the nature of that plan which ought to be substituted in lieu of the system thus censured and condemned, it would argue a want of fairness and candor rather than an excess of diffidence, to scruple the avowal of opinions which are the result of attentive observation, combined with no very limited degree of experience, and knowledge painfully acquired.

1st. The grand and fundamental defect of the system of poor's laws, promulgated in the reign of Elizabeth, and in general so excellent, is this, that every parish is compelled to support, not its resident poor, but merely *those who belong to it*, or who in a legal and limited sense are *inhabitants thereof*; so that in each parish there are those who have no claim upon the parish for support; and on the other, there are those who, dwelling at the distance of fifty, one hundred, or two hundred miles, possess that claim in law which in the view of reason and common sense belongs only to those who are actually resident. This has been the inexhaustible and everlasting source of vexation, persecution, and litigation.

* Vide the periodical work, titled the CABINET, by a Society of Gentlemen at Norwich.

All the parishes in England, and even those included within the limits of the same town, have been placed by it in a state of perpetual distrust, enmity and hostility. Withdrawment from the place of their legal habitation has been regarded as a sort of crime in the poor. They have been in innumerable instances sent back with most unfeeling cruelty, in circumstances of the deepest distress. These ORDERS OF REMOVAL, for the most part founded upon dark and doubtful grounds of evidence, have given rise to a multiplicity of law suits, carried on at a vast expence and with implacable and incredible animosity. The decisions of the courts at Westminster on these causes have given birth to what is called *the Law of Settlement*, a branch of English jurisprudence to the last degree confused, inconsistent and intricate. The poor have been sufferers, the public have been sufferers, the LAWYERS only have been the gainers by this state of things. For how can they consult the interest, if not the credit of the profession, more effectually, than by first laying it down as a general principle, that residency shall not constitute inhabitancy, and then employing their ingenuity in devising a thousand disputatious modes by which this obnoxious principle may be evaded or superseded? Something indeed has been done, and something considerable, towards a reform of the existing

system, by the excellent Bill of Mr. East, himself, to the honor of the profession, a lawyer, for the prevention of vexatious removals; but this is merely a palliative, and the radical remedy, which can be no other than the admission of the principle, that residency, after a certain limited term, shall constitute inhabitancy, still remains a *desideratum* earnestly to be sought.

2dly, The second provision or regulation for the relief of the poor, in point of importance, is the establishment of parochial funds on the general principles laid down in Mr. Pitt's Bill. As there seems to be no difference of opinion with respect to the utility and beneficial tendency of these associations, it is not necessary to enlarge on this head.

3dly, The next measure to be recommended, is the total exemption of the laboring poor from the burden of the parochial rates or poor's tax. It seems absurd and monstrous to compel those to contribute to the support of others who are scarcely able to support themselves. And no one who is not conversant in these matters can conceive or imagine how serious and important a sum two or three shillings, the common amount of a parochial rate to a cottager, is to a poor family, whose weekly earnings but barely suffice to procure for them the common necessities of life. After all, the proportion paid by this class
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of the community to the poor's rates, is but a mere trifle compared with the aggregate sum; and the additional burden to be borne in consequence of this regulation by the higher classes would be scarcely felt, while the relief given by it to the lower would excite the most lively and grateful impression, and afford a most sensible alleviation of their distress.

4thly, It seems highly expedient, though this is a matter of acknowledged delicacy and difficulty, that in certain circumstances, and under proper limitations, the magistrates of each county should be invested with a power to fix the *minimum*, as in many cases they are now authorized to fix the *maximum*, of the price or value of labor.

5thly, It would be productive of the happiest effects, if *premiums* were offered in a mode easy to be devised and actually practised in particular instances by patriotic individuals, for the encouragement of industry, œconomy and sobriety; and yet farther, if a fund were set apart in every county for the consolation of indigence and wretchedness, by building cottages in villages, or open wastes, with small orchards or gardens annexed, to be let at very low reserved rents, by way of reward to the most meritorious and industrious of the poor.

6thly, The idea suggested in Mr. Pitt's Bill, page 3, well deserves to be incorporated into every comprehensive plan of relief and reform,

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viz. that no person should be excluded from parochial relief who may otherwise have a just claim to it, merely because they are possessed of a little property, real or personal, to the amount of thirty, forty, or fifty pounds. And the present practice of refusing relief to such persons has the very worst tendency, by operating as a permanent and systematic discouragement to the acquisition of property by the poor in a course of industry and œconomy.

It is the characteristic of these regulations, and surely no inconsiderable recommendation of them, that they require neither visitors, guardians, wardens, or justices of districts, to carry them into execution. They are plain, easy, and intelligible to all; affording, it may be safely affirmed, far more effectual relief to the poor, than the plan of Mr. Pitt, at far less expence to the public. They tend to the elucidation and simplification of a system allowed to be even in its present state much too complex. But supposing Mr. Pitt's multifarious provisions and regulations engrafted upon it, the whole plan of management would be rendered so operose, intricate, and embarrassing, that in the very crisis of completion, or in the alchymical phrase, of projection, it must necessarily fall into chaotic confusion, utterly unable to sustain the elemental shock of its incipient movements.

ESSAY

ESSAY XXIX.

ON THE CHARACTER AND WRITINGS OF ST.
EVREMOND.

“**R**ENOUNCE St. Evremond, and read St. Paul,” says a celebrated Christian divine and poet; but a less rigid morality will allow, that St. Paul may be read to very good purpose without renouncing St. Evremond. There are many authors who, without directly intending, or perhaps without being even conscious of it, delineate in their writings the features of their own character in colours so lively, that it is impossible not to regard them with the same sentiments of partiality or dislike as usually result from a personal and intimate acquaintance. The character of St. Evremond viewed through this medium appears in a light peculiarly interesting and amiable: and the favorable impression made by a perusal of his works, is confirmed by all the traditional and biographical accounts remaining of this accomplished Frenchman. He was a man of excellent capacity, intimately acquainted with the world, and perfectly conversant with the secret springs of human conduct, as they vi-
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brate in unison with the movements of the heart. He was the man of fashion, the man of wit, and the man of pleasure; but as his love of pleasure was regulated by a refined taste and cultivated understanding, it never betrayed him into any disgraceful excesses: and he preserved his gaiety of temper, and vigor of intellect, unimpaired to the age of ninety; passing his days in a delightful kind of philosophic indolence, not less beloved for the virtues of his heart, than admired for the charms of his wit and conversation. His libertine principles respecting religion are well known. Educated in the bosom of the Romish church, his superior discernment enabled him, with little effort, to emancipate himself from vulgar prejudices, and to reject, without hesitation, that enormous mass of absurdity and superstition which assumes the appellation of the Catholic faith. Unhappily he appears, like the majority of infidels in Romish countries, to have taken it for granted, that the doctrines of Popery were the genuine doctrines of Christianity: or at least they presume, that Christianity must be in part chargeable with those absurdities which so justly excite their ridicule and contempt, and therefore they think it superfluous to examine into the evidences of it.

With respect to the principles of natural religion, St. Evremond is far from denying their
reality

reality and importance ; but he doubts, as every philosopher who is ingenuous and impartial must be constrained to do, of the strength and sufficiency of the evidence by which they are supported. “ Jamais homme,” says he, “ n’a été bien persuadé par sa raison ou que l’ame fut certainement immortelle, ou qu’elle s’aneantît effectivement avec le corps. On ne doute point que Socrate n’ait crû l’immortalité de l’ame ; son histoire le dit & les sentiments que Platon attribué semble nous en assurer. Mais Socrate ne nous en assure par lui-meme ; car quand il est devant ses juges il en parle comme un homme qui la souhaite, & traite l’aneantissement comme un philosophe qui ne la craint point.—Qu’a fait Descartes par sa démonstration prétendue d’une substance purement spirituelle, d’une substance qui doit penser éternellement ? Qu’a-t’il fait par des spéculations si épurées ? Il a fait croire que la religion ne le persuadoit pas, sans pouvoir persuader ni lui ni les autres par les raisons.”

St. Evremond has been frequently stiled a superficial writer ; and his biographers, Sylvestre and Des Maizeaux, have given some countenance to the accusation by their own acknowledgment. “ Il n’avoit pas,” say they, “ un grand savoir.—En lisant il s’attachoit plus a étudier le genie, & le caractère d’un auteur qu’a charger sa memoire d’une erudition fastueuse &

souvent

souvent inutile." But nothing can properly be styled superficial which discovers just and comprehensive views of a subject; though it may not suit the writer's purpose or inclination to compose an elaborate dissertation, or to enter much into detail. His "*Reflexions sur les divers Genies du Peuple Romains, dans les divers Tems de la Republique,*" are written in the true spirit of philosophy; they are bold, sagacious, and just. His moral essays are highly pleasing, and abound with observations which discover uncommon genius and penetration: and his criticisms are truly classical and judicious. In his remarks upon Racine's tragedy of *Alexander the Great*, he scruples not to place that elegant poet, whom he nevertheless applauds with warmth and feeling, far below the level of the great *Corneille*; a point at that time much contested, though the superiority of the latter is at present universally acknowledged. M. de *Corneille*, conscious of the justice of his own claim, and gratified with the praises of so distinguished a judge, wrote a letter upon the occasion to M. de *St. Evremond*, in which, with a dignified pride, he expresses his firm assurance, that though his reputation suffered a temporary injury from the attacks of ignorance and detraction, he should receive from posterity complete and ample justice. "*Vous m'honorez,*" says this cele-

celebrated genius, “ de vôtre estime en un tems où il semble qu’il y ait un parti fait pour ne m’en laisser aucune. Vous me consoléz glorieusement de la délicatesse de nôtre siècle, quand vous daignez m’attribuer le bon goût de l’antiquité. Je vous avouë après cela, que je pense avoir quelque droit de traiter de ridicules ces vains trophées qu’on établit sur le débris imaginaire des miens: & de regarder avec pitié ces opiniâtres entêtements qu’on avoit pour les anciens héros refondus a notre mode.” The reply of St. Evremond is not a little remarkable. “ Je vous puis repondre que jamais réputation n’a été si bien établie que la vôtre en Angleterre & en Hollande. Les Anglois assez disposés naturellement à estimer ce que leur appartient renoncent à cette opinion souvent bien fondée, & croient faire honneur à leur Ben Jonson de le nommer Le Corneille D’Angleterre.” Was Shakespeare, then, the boast and glory of the drama, the ornament not of England only, but the pride of all nature—was that mighty and transcendent genius not deemed worthy even of mention upon this occasion? And the cold, the formal, the pedantic Jonson, whose dramatic merit lay wholly in the opposite walk, to be singled out as the champion of our tragic fame, to enter the lists of genius against the illustrious Corneille? The preference given by the nation in general, during

ing a great part of the last century, to Ben Jonson, as well as his celebrated contemporaries, Beaumont and Fletcher, with respect to a writer so prodigiously superior not only to them, but to every dramatic genius which the world ever saw, is a curious literary phenomenon; especially as the taste and judgment of the public had certainly, upon the whole, made a considerable advance to maturity since the age of Elizabeth, when the dramas of Shakespeare excited universal delight and admiration. As to St. Evrémonde, it may be well questioned whether he had even read the works of Shakespeare at the time this letter was written. He appears, indeed, to have entertained no very high idea of the merit of the English writers; and it must be acknowledged, that France, at this brilliant period of the reign of Louis XIV. had made far greater advances in almost every department of taste and literature, than the surrounding nations; and that England in particular followed her with slow and unequal steps.

Notwithstanding the favorable reception St. Evrémonde met with in this kingdom, and the flattering attention paid to him by persons of the most distinguished rank, he sighed in secret at the recollection that he was a banished man; and the great object of his life, for many years, was to obtain permission to return to his beloved coun-

try. England, during almost the whole period of St. Evremond's residence here, was immersed in politics. While the great questions of liberty and religion agitated the nation, both of which St. Evremond regarded with cold indifference, little leisure as well as inclination remained for the cultivation of the fine arts or the *belles lettres*; and St. Evremond, amidst the noise and fury of contending factions, languished for the serenity, the elegance and urbanity of Paris. At length, however, he seems to have reconciled himself in a great measure to the manners and disposition of the people amongst whom he had so long resided: and when the royal permission was at last granted to this illustrious exile, after he had long ceased his solicitations to end his days in his native land, he refused with becoming dignity to accept the offered pardon. He replied to the Comte de Grammont, through the medium of whom the pardon was notified, says M. de Mailleux, " qu'il étoit trop vieux pour le transplanter; que d'ailleurs il aimoit mieux rester par choix à Londres, où il étoit connu de ce qu'il y avoit d'honnêtes gens; où l'on étoit accoutumé à sa loupe & à ses cheveux blancs, à ses manières & à son tour d'esprit que de retourner en France où il avoit perdu toutes ses habitudes; où il feroit comme étranger, & où à peine con-

noùtroit-il un autre courtisan que le Comte de Grammont, lui-même."

At this time the Revolution had taken place, and St. Evremond was high in favor with the new King William III. whom he appears to have regarded, not very consistently indeed with the ideas of government, which occasionally emerge in his writings, with the utmost esteem and admiration. The applause he lavishes upon that great monarch might well pass for flattery, had he been equally prodigal of praise in the former reigns: but as his reserve in that respect, notwithstanding his personal obligations, is remarkable, there is little reason to doubt that, with some little allowance for poetical and courtly embellishment, he spake the genuine sentiments of his heart. The heroic and magnanimous qualities of that prince, and that succession of great, useful, and memorable actions which distinguished his life, could not fail, in the estimation of a man so capable of discrimination as St. Evremond, totally to eclipse the dazzling and delusive splendors of the character of Louis XIV. whose "glaring orb" had now passed its meridian height.

From the various eulogiums on the Belgic hero to be found in the works of St. Evremond, may be selected the following, as a compliment equally elegant and just—"Don Antonio de Cordoue

Cordoue disoit qu'il est difficile de trouver un grand héros : un grand héros & un bon roi ensemble presque impossible ; un grand héros, un bon roi, & un honnête homme ; c'est ce qu'on n'avoit jamais vû, & ce qu'on ne verroit jamais.

“ Vous n'aviez pas le don de prophetie
Quand vous fites ce jugement ;
Antonio, si vous etiez en vie
Vous changeriez de sentiment ;
Antonio, ces talens dispersés
Sont dans le roi malgre vous ramassés
On reconnoit, sans besoin qu'on le nomme
Le grand heros, le bon roi, l'honnête homme.”

Of the poetry of St. Evremond, in which term his dramas must be included, it may in general be affirmed that it does not exceed the *mediocre*. It was never esteemed excellent by the French themselves, and it is now sinking fast into oblivion. In a word, his poetical effusions are the productions, to use the language of his biographers, “ d'un homme du monde, qui dans une grand oisiveté cherche a passer agréablement le tems—d'un bel esprit qui pense a se divertir.” And though he appears to have written in verse as well as prose with great ease and facility, the utmost to which he ever attains, or perhaps aspires, is elegance, and this only in trifles ; his more elaborate pieces being unfortunately those which possess the least merit.

It has been intimated that the opinions of St. Evremond relative to government were not very liberal, or perhaps consistent. The principles of Mr. Locke, now so universally received and deemed almost self-evident, were at that time regarded as the novel and dangerous speculations of a bold and visionary writer: though the subject seems not to have excited much of St. Evremond's attention, who was never so far naturalized as to adopt the feelings and sentiments of an Englishman. His ideas of religious toleration also appear to have been miserably contracted and erroneous. "Une des premieres sagesse," he tells his friend M. Justel, "& des plus commandées, c'est de respecter en tout pays la religion du Prince: condamner la créance du Souverain, c'est condamner le Souverain en même tems. Un catholique Anglois, qui dans ses discours ou dans ses ecrits donne le nom d'heresie a la religion Anglicane, traite le Roi d'Angleterre d'heretique, & lui fait une insulte dans ses propres etats: un Huguenot en France qui traite la religion catholique d'idolatrie, accuse le Roi par une consequence nécessaire d'être Idolatre, ce que les Empereurs payens même n'ont pû souffrir. Voulez-vous me croire Monsieur jouïssiez paisiblement de l'exercice qu'on vous permet, tel qu'il puisse être; & soyez persuadé que les princes ont autant de droit sur l'exte-

l'extérieur de la religion, qu'en ont les sujets sur le fond secret de leur conscience."

Such are the sentiments of the celebrated M. de St. Evremond upon the subject of toleration. It is strange that a man, who could reason upon other topics with such acuteness and precision, should need to be told, that as nature distributes her gifts with an impartial hand, and the intellectual powers of princes are not superior to those of their subjects, they are not in any respect better qualified for the investigation and discovery of truth. That whatever the private sentiments of the prince may be, to oppose those sentiments by force, not of arms but of argument, can never be justly construed into criminal disobedience to his authority. The most enlightened and most virtuous citizens have exercised this privilege without any impeachment of their faith and loyalty: and the wisest and most magnanimous princes have been most ready to acknowledge the advantages which must result from an unreserved freedom of discussion.

The right which M. de St. Evremond thinks it sufficient to contend for, "*Le droit que les sujets ont sur le fond secret de leur conscience,*" is such a right as the most abject slave cannot be divested of under the yoke of even Oriental despotism. And the right which M. de St. Evremond is so ready to resign, "*sur l'extérieur de*

la religion," is all that the Inquisition itself has ever dared to usurp. It is so obvious a truth, that it is wonderful men entrusted with the government of men should need to be reminded of it, that mankind are, and ever will be, actuated by motives which respect their happiness in a future as well as in the present state of existence. The great, and indeed the only proper object of temporal authority, is temporal prosperity; and men ought, upon every ground of reason and policy, to be permitted to secure their future interests by such means as shall appear to them most effectual. And as amongst different classes of men a variety of opinions will inevitably prevail, as to the efficacy of different modes of faith and forms of worship, and these opinions will be supported with all the fervor of religious zeal, perhaps of fanatic enthusiasm, what but an excess of pride and folly, approaching to infatuation, can lead any government to attempt, as Milton expresses it, "to bind conscience in secular chains," or to enjoin and expect uniformity of conduct or profession, when diversity of sentiment is absolutely unavoidable? Before the will of the sovereign, or of the state, in a case of this nature, can be implicitly submitted to, an universal torpor of the mental faculties must take place; and the human mind must be reduced to the most abject state of humiliation

and debasement. Or if, on the other hand, men should ever become sensible of the injustice and presumption of this claim, and the sovereign, prompted by that pride, obstinacy, and folly, which are so frequently the concomitants of power, should resolve at every hazard to enforce it, all history demonstrates what civil discord, what persecution, what furious and bloody commotions, may be expected to ensue.

Toleration is a simple, easy, and effectual remedy for the prevention or removal of these "dire distresses." Religion, it can never be repeated too often, is a personal concern. No man, indeed, ought to be allowed to injure another under pretence of conscience; but with this exception, every individual has an inherent right, and it is the most heinous of oppressions to deprive him of the right of securing and advancing his future happiness, by such methods as shall to him appear most conducive to the accomplishment of that purpose.

It is now time to conclude these desultory observations, by explaining, in a few words, the cause of St. Evremond's long banishment, as it is the most remarkable event of his life, and in itself a curious piece of secret history. About the year 1658, M. de St. Evremond had the misfortune to incur the displeasure of Cardinal Mazarine, by some free things spoken of his emi-

nence in the warmth and confidence of private conversation at the table of the Duke de Candale, which were maliciously reported to the Cardinal probably with some aggravation. Upon which St. Evremond was sent as a state prisoner to the Bastile, where he was detained several months. On being released, he thought it expedient to wait upon the minister to return him thanks for his enlargement. Cardinal Mazarine told him that he was convinced of his innocence, and concerned for the inconvenience he had suffered; but that a man in his situation who was obliged to listen to so many reports, often found it difficult to distinguish truth from falsehood, and not to do injustice sometimes to an honest man.

With this apology St. Evremond was obliged to appear satisfied, but he retained in his bosom a deep resentment of the Cardinal's treatment: and in the following year he found an opportunity of gratifying his spleen very much at the expence, as in the event it proved, of his own peace and happiness. The famous treaty of the Pyrenees was negotiated by Cardinal Mazarine and Don Louis de Haro in person. Amongst other courtiers and men of distinction, St. Evremond was present during the conferences, and when the peace was signed, he wrote his sentiments upon it in a confidential letter to the Marquis de Crequi, in which he points his most acrimonious shafts

shafts of ridicule and satire against the Cardinal. The fact was, that Mazarine, swayed by interested motives, ardently wished to put an end to the war, and that the Spanish minister, taking advantage of his impatience, had obtained far better terms than could reasonably be hoped from the debilitated and ruinous condition of the Spanish monarchy. St. Evremond tells us, that as soon as the peace was signed, Don Louis exclaimed, "Allons, Messieurs, allons rendre graces à Dieu nous etions perdus, l'Espagne est sauvée." "Que le bon homme Don Louis," continues St. Evremond, "n'ait eu pour but que le service de son maître, & l'utilité du public; la maxime de M. le Cardinal est que le ministre doit être moins à l'état, que l'état au ministre, & dans cette pensée pour peu que Dieu lui donne de jours il fera son propre bien de celui de tout le Roiaume."

This letter, which, for the security and satisfaction of the writer, was returned by the Marquis de Crequi to M. de St. Evremond, remained a profound secret during the life of the Cardinal. The demise of Mazarine, which happened in the year 1660, was immediately followed by the disgrace of M. Fouquet; in consequence of which event, not only the papers of that minister were seized, but the cabinets of his most confidential friends were examined by an order from
the

the crown. Unfortunately, at this critical time, St. Evremond being on a tour to some distant province, had, "to make assurance double sure," previous to his departure from Paris, deposited this letter amongst other papers of value with a friend who was, as the demon of ill luck would have it, one of the intimates of M. Fouquet, and thus the fatal discovery was made. St. Evremond, terrified at the idea of returning to his old apartments in the Bastile, on receiving this unwelcome intelligence made his escape into Holland, whence he soon passed into England, where he resided with short intervals the remainder of his life. He died September 20, 1703, and was buried in Westminster Abbey.

He has delineated his own portrait with an agreeable vanity. The resemblance must be acknowledged striking, though it is certainly a flattering likeness. He describes himself as "*Un philosophe également éloigné du superstitieux & de l'impie. Il se loue de la nature ; il ne se plaint point de la fortune. Il hait le crime, il souffre les fautes, il plaint le malheur. Il ne s'attache point aux écrits les plus savans pour acquérir la science, mais aux plus sensés pour fortifier sa raison. En amitié plus constant qu'un philosophe ; à l'égard de la religion*"

De justice, & de charité,
 Beaucoup plus que de pénitence
 Il compose sa piété;
 Mettant en Dieu sa confiance,
 Espérant tout de sa bonté,
 Dans le sein de la providence,
 Il trouve son repos, & sa félicité.

ESSAY XXX.

STRICTURES ON WALPOLE'S CATALOGUE OF
ROYAL AND NOBLE AUTHORS.

THERE are two extremes equally remote from justness of thinking, the Scylla and Charybdis of literature, to be shunned with equal solicitude. The first is a tame acquiescence in vulgar opinion, the second a vain affectation of singularity. Of the first extreme it must be allowed that the elegant writer who is the subject of the present critical remarks has steered perfectly clear. But as to the second, he is by no means so successful. His "Historic Doubts" afford an egregious instance of false refinement and affected singularity. And it is amusing to see a writer, in the midst of all his parade of philosophical and historical scepticism, become the dupe of an imposture, by which even that dark and credulous age in which it originated, and which was so favorable to its success, could not be long or generally deceived. His ingenuity and acuteness only serve to fortify him in error. Mr. Walpole was perhaps misled, by considering the case of Perkin Warbeck as similar to that of the

late Pretender, the legitimacy of whose birth was called in question by the prevailing faction at the æra of the Revolution, without reflecting on the great disparity of evidence attending the two cases; the legitimacy of the one, and the illegitimacy of the other, resting entirely upon improbable surmise and confident assertion. There are many observations in the volume now before us, deeply tinged with that fanciful and affected turn of thinking, which so remarkably predominates in the work already mentioned. The first article of the catalogue may be cited as an instance.

Mr. Walpole, in contradiction to all the accounts remaining of Richard I. is unwilling to admit that celebrated monarch to have been either a poet or a lover of poetry: and because Roger Hoveden, the monk, impudently and ridiculously asserts, that Richard, to raise himself a name, bought and begged verses and drew over fingers and jesters from France to chant panegyrics on him about the streets, Mr. Walpole thinks that no dependence is to be placed upon those accounts which represent him as deeply enamoured of the muses, or, to use Mr. Walpole's own words, "as the soft lute loving hero of poetry." Certainly, after the great exploits which this romantic and victorious monarch performed in Palestine, there was little occasion for him to buy or to beg verses in order to raise himself
a name,

a name. There is no contrariety, as Mr. Walpole seems to insinuate, between the warlike genius of Cœur-de-Lion and his attachment to "the gay science of the Provençals." His military ardour would be inflamed by his poetical enthusiasm, and he would appear in the eyes of his contemporaries, no less the hero, surrounded by his minstrels in the festive bower or high-arched hall, than in the tented field or the ensanguined plain. Sometimes doubtless

——" The sounding strings
Would breathe of high immortal things."

And sometimes

" Cupid would tune the muses lyre
To languid notes of soft desire."

And these occupations, which appear to Mr. Walpole so inconsistent with the ambitious and restless spirit of Richard, were nevertheless perfectly conformable to the gallant and romantic genius of the ages of chivalry.

Of Lord Cobham, Mr. Walpole quaintly observes, that he was a man whose virtues made him a reformer, whose valor a martyr, whose martyrdom an enthusiast. Here the meaning seems greatly obscured, if not wholly lost in the pursuit of antithesis. "The King. Henry V. was persuaded to undertake the conquest

quest of France, to which kingdom they assured him he had an undoubted right. When he thought he had any to the crown of England the other followed of course." But the claim of his father Henry IV. to the crown of England was perfectly analogous to that of William III. which we are not accustomed to treat with quite so much contempt.

Of the character of Lord Rivers, Mr. Walpole gives us an amusing and agreeable sketch. "It is remarkable," says he, "how slightly the death of this nobleman is always mentioned, and how much we dwell on the execution of the Lord Chamberlain Hastings, a man in every light his inferior. In truth, the generality draw their ideas of English history from the tragic rather than the historic authors." But Sir Thomas More did not draw his ideas of the reign of Richard III. from the tragic authors, and yet he dwells upon the execution of Lord Hastings, as an event of very great importance. The fact is, that Lord Hastings, notwithstanding the inferiority of his mental and corporeal accomplishments, filled a much greater space in the eye of the nation than Lord Rivers; and the circumstances attending his death are in themselves much more remarkable, and make almost every villany which is reported or surmised of Richard III. perfectly credible.

The

The unfortunate Earl of Effex furnishes one of the most entertaining articles of the Catalogue. Mr. Walpole entertains high and just ideas of the character and government of Queen Elizabeth; nor is this in the least inconsistent with the exposure of her foibles, if accompanied with a proper sense and acknowledgment of her many great and admirable virtues. I do not, however, deem quite so highly as Mr. Walpole of her great and unfortunate favorite. The Earl of Effex was doubtless a man of great natural parts; but, intoxicated with royal favor and popular applause, he was guilty of absurdities and extravagancies which would have disgraced any man who had pretensions to common sense. The last fatal enterprize in which he was engaged, was an astonishing proof to what desperate extremities his pride and passion were capable of transporting him. He was possessed of all those splendid and delusive qualities which are calculated to captivate the populace; but the Queen's partiality for him did not prevent her from discerning the danger to be apprehended from so turbulent and ungovernable a spirit. And if he really declared, that his life was inconsistent with the Queen's safety, it is probable that the Queen and her ministers were as good judges of the truth of the declaration as even Mr. Walpole. "How was he dangerous, or
could

could he be?" Mr. Walpole asks. "His wild attempt on the city had demonstrated his impotence." This is certainly a curious and a perfectly novel mode of vindication. A man who has committed one act of political frenzy, may easily be supposed capable of another: and the failure of one treasonable attempt does not quite amount to a demonstration that no danger is to be apprehended from the next.

It is very extraordinary that Mr. Walpole, who speaks of the Earl of Effex in terms of unbounded applause, should find so little to admire in Sir Philip Sydney, who possessed all the amiable and splendid qualities of the Earl of Effex, without any mixture of his extravagance. "No man," says Mr. Walpole, "seems to me so astonishing an object of temporary admiration as the celebrated Sir Philip Sydney. The learned of Europe dedicated their works to him: the Republic of Poland thought him, at least, worthy to be in the nomination for their crown: all the muses of England wept his death. When we, at this distance of time, enquire what prodigious merits excited such admiration, what do we find? Great valour. But it was an age of heroes. In full of all other talents, we have a tedious, lamentable, pedantic, pastoral romance; and some absurd attempts to fetter English verse in Roman chains."—"He died with the rashness

of a volunteer, after having lived to write with the *sang-froid* and prolixity of Mademoiselle Scuderi." This is writing, it must be owned, with a very fashionable air, if not of *sang-froid*, at least of *non chalance*. But the character of the gallant and all-accomplished Sydney, the flower of chivalry and the mirror of knighthood, wants no assistance to repel so weak and wanton an attack. While France continues to celebrate the heroic virtues of Sydney, surely, Mr. Walpole might have known, without being at the trouble of a very profound investigation, that in an age which he allows to have been an age of heroes, valour alone could not have elevated Sir Philip Sydney to such a distinguished height of reputation. If the learned of Europe dedicated their works to him; if the Republic of Poland thought him worthy to be put in nomination for their crown; if all the muses of England wept his death; if so valorous a Knight as Sir Fulke Greville thought it sufficient honor to have it recorded upon his tomb that he was the friend of Sir Philip Sydney, Mr. Walpole might safely conclude, that his character was distinguished by far other qualities than mere valour. The truth is, that if we form our ideas of him from the accounts and representations of his contemporaries, his character will appear "so perfect and so peerless," that it may well be supposed, "created

of every creature's best." Sir William Temple, no incompetent judge surely of merit, describes this extraordinary man as the glory of the nation which gave him birth.—“ A person,” says he, “ born capable not only of forming the greatest ideas, but of leaving the noblest examples, if the length of his life had been equal to the excellence of his wit and virtues.” As, however, it is certain that the imperfection of human nature will not allow the same individual to excel in all things, it will be readily admitted, that the Arcadia is not quite equal, as a literary composition, to the “ Nouvelle Heloise;” and that the hexameters of Sydney are far inferior to the iambics of Pope. It must be acknowledged also, that at the battle of Tutphen he gloriously offended against what Falstaff calls “ the better part of valour—discretion.” So did the famous Gaston de Foix, at Ravenna; so did William III. at Seneffe: yet such faults have not been thought to derogate from their character as heroes.

“ Haud ignarus eram quantum nova gloria in armis,
Et prædulce decus primo certamine posset.”

Such, with respect to a similar offence, is the language of a poet whom Mr. Walpole will not accuse of writing with the *sang-froid* of a Scuderi. The observations which conclude this ar-

ticle, respecting the Chorus of the ancient drama, do honor to Mr. Walpole's good sense and critical sagacity.

There is an hasty remark in the entertaining account which Mr. Walpole gives us of Lord Brooke, which requires animadversion. His Lordship in the year 1641 published "A Discourse on Episcopacy," in which Anthony Wood tells us he was assisted by some puritanical ministers. "But Milton," says Mr. Walpole, "commends it for breathing the spirit of toleration, which was not the spirit of the Puritans." Now it is most certain that the principles of toleration originated with the Puritans, and with the most rigid and enthusiastic sect of Puritans, with which sect Milton was himself connected: so that the assertion of Wood is by no means invalidated by the observation of Mr. Walpole. "Of all the Christian sects," says Mr. Hume, "this was the first which, during its prosperity as well as its adversity, always adopted the principle of toleration; and it is remarkable that so reasonable a doctrine owed its origin not to reasoning, but to the height of extravagance and fanaticism."

In treating of the famous Earl of Glamorgan, Mr. W. offers a very courtly though not a very satisfactory vindication of the commission given by Charles I. to that nobleman for bringing over a body of Irish Papists during the civil wars.

After

After the horrid devastations committed by those miscreants in Ireland in the year 1641, no monarch who had any sense of generosity, or any regard to the common rights of humanity, would have had recourse to so shocking an expedient for retrieving his affairs—nor indeed were the King's affairs at that time in so desperate a situation as to call for so desperate a remedy. Mr. Walpole thinks Charles to be pitied, because few men in his situation would have acted better. On the contrary, it is probable that few men in his situation would have acted worse. “But could a monarch who had stretched every string of prerogative consent,” asks Mr. Walpole, “*with a good grace* to let it be curtailed?” No, certainly, he could not: but it is a poor apology in behalf of a sovereign who first tyrannizes over, and when provoked by resistance “lets loose the dogs of war” upon his subjects, to say that it was not possible for him to recede *with a good grace*.

Mr. Walpole's remarks on the character and conduct of the Earl of Sandwich are somewhat curious. “His persuading Cromwell to take the crown,” says Mr. Walpole, “was an unaccountable infatuation; especially as his Lordship was so zealous afterwards for the Restoration.” Rather might it be affirmed that Cromwell's refusal of the crown was an un-

accountable infatuation. Whoever takes the trouble to read the conference between Cromwell and the Committee deputed by Parliament to make the offer of the crown, will do more justice to the arguments made use of upon that memorable occasion, than to represent them as the result of an unaccountable infatuation. Nor is his Lordship justly chargeable with inconsistency in being afterwards zealous for the Restoration. In consequence of the confusion and anarchy which took place after the death of Cromwell, men of sense and reflection were in general convinced that a permanent settlement could be effected only by the restoration of the banished family. "It seems," says Mr. Walpole, "that the Earl had a fond and inexplicable passion for royalty, though he had early acted against Charles I." It may be presumed that the Earl was far from being singular in retaining his affection for a monarchical form of government, even when actually engaged in opposing by force of arms the tyrannical designs of the reigning monarch. "The Earl admired Cromwell, yet could he imagine that in any light a diadem would raise the Protector's character? or how could a man who thought Cromwell deserved a crown think that Charles II. deserved one?" These questions admit of an obvious reply. A diadem could not perhaps raise

raise the political character of the Protector, but it might contribute to fix his power upon a more solid and permanent basis. And it does not appear that the Earl was so much mistaken in his judgment, as to suppose, that either Cromwell or Charles deserved a crown; but he might, nevertheless, think that he consulted the true interests of his country, in different political situations, in endeavoring to advance both the one and the other to the possession of a crown.

“It is often urged with great emphasis,” says Mr. Walpole, “that when a nation has been accustomed for ages to some particular form of government, it will, though that form of government may be changed for a time, always revert to it. No argument,” continues Mr. Walpole, “seems to me to have less solidity; for unless the climate, the air, and the soil of the country can imbibe habits of government or infuse them, no country can in reality have been accustomed to any sort of government but during the lives of its actual inhabitants.” This “argument,” or this political axiom rather, which appears to Mr. Walpole so destitute of solidity, seems to me perfectly just; and Mr. Walpole’s observations upon it extremely unphilosophical and inconclusive. Though no one every supposed the climate, air, and soil of a country, could either imbibe or infuse habits of govern-

accountable infatuation. Whoever takes the trouble to read the conference between Cromwell and the Committee deputed by Parliament to make the offer of the crown, will do more justice to the arguments made use of upon that memorable occasion, than to represent them as the result of an unaccountable infatuation. Nor is his Lordship justly chargeable with inconsistency in being afterwards zealous for the Restoration. In consequence of the confusion and anarchy which took place after the death of Cromwell, men of sense and reflection were in general convinced that a permanent settlement could be effected only by the restoration of the banished family. "It seems," says Mr. Walpole, "that the Earl had a fond and inexplicable passion for royalty, though he had early acted against Charles I." It may be presumed that the Earl was far from being singular in retaining his affection for a monarchical form of government, even when actually engaged in opposing by force of arms the tyrannical designs of the reigning monarch. "The Earl admired Cromwell, yet could he imagine that in any light a diadem would raise the Protector's character? or how could a man who thought Cromwell deserved a crown think that Charles II. deserved one?" These questions admit of an obvious reply. A diadem could not perhaps raise

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ment, Mr. Walpole will not care to deny that ideas of government and modes of thinking may be infused by education; that opinions are usually imbibed at a very early period of life, and that they are in general much less the result of reason than of prejudice. If then a strong prepossession has prevailed in any country in favor of monarchy, or of any other particular form of government, notwithstanding that by some violent revolution the form of government may be changed, the prepossession will remain: and a propensity to revert to this particular form will certainly be apparent, long after the race of men by whom, or in whose days, this revolution was effected, has ceased to exist. It is even not improbable, that those very individuals who concurred in this change of government, when any new causes of dissatisfaction arise, may feel a revival of their original attachments, and condemn, with warmth, their own precipitation and folly, in assisting to effect a total change of government, when the public happiness might have been as effectually secured, at a less expence, by a correction of abuses: and in this state of mind they will gladly risque their lives, to subvert what they before risked their lives to establish,

“Were men,” asks Mr. Walpole, “born late in the reign of Charles I. bred to entertain irradicable

dicable prejudices in favor of royalty?" To this question it may be answered, that men born late in the reign of Charles I. were as likely to entertain prejudices in favor of royalty as men born at any other time. It is well known, that the execution of the King was a measure effected by the leaders of the army, inflamed by a spirit of religious fanaticism, as well as political frenzy; and that the Parliament never gave the public sanction to that act, which was regarded with horror and execration by a great majority of the nation. "It is supposed," says Mr. Walpole, "that no country is so naturally propense to liberty as England—is it naturally propense to monarchy too?" By being naturally propense to liberty, Mr. Walpole probably means, that no country has shewn so strong and durable an attachment to liberty as England. But why should that be thought inconsistent with its being "naturally propense," as Mr. Walpole styles it, or strongly attached to monarchy too? "Is monarchy the natural vehicle of liberty?" Mr. Walpole asks. This is an obscure question, upon which it would be rash to decide. But that liberty may be well, perhaps best secured, under a monarchical form of government, the admirable treatise of M. de Lolme affords the most satisfactory and convincing proof.

Upon that celebrated couple, the Duke and
Duchess

Duchefs of Newcastle, Mr. Walpole has been unreasonably severe. A slight inspection of her dusty and worm-eaten *tomes* will convince any impartial judge, that the Duchefs, notwithstanding her conceit and pedantry, was a woman of parts and genius. Of her poetical powers, the sixty-ninth paper of the *Connoisseur* exhibits no unfavorable specimen. There is something offensive in the reflections cast upon the Duke, and his noble contemporary, the Marquis of Winchester; who, with a romantic generosity, and inflexible loyalty, expended their immense fortunes in support of their sovereign in his distress: and when reduced to poverty and distress themselves, sought for consolation in literary amusements. Notwithstanding Mr. Walpole's disdain, it was certainly a proof of admirable equanimity, or rather magnanimity, when they found their utmost efforts in the cause of royalty unavailable, to be able to accommodate their minds to what Mr. Walpole stiles "the idlenesses of literature." Nor were the literary productions of these celebrated noblemen considered, in their own age, as by any means contemptible. If the Duke of Buckingham is applauded as the author of the *Rehearsal*, why is the Duke of Newcastle exhibited as a subject of ridicule, for writing "The Humorous Lovers," or "The Triumphant Widow?"

Of

Of Mr. Walpole's short account of the famous Earl of Shaftesbury, much is exceptionable. Mr. Walpole relates, upon the authority of Bishop Burnet, a ridiculous story, of Shaftesbury's pretending that Cromwell offered to make him King. "If he did," says Mr. Walpole, "it only proves, that Cromwell took him for a fool." But if Cromwell took Shaftesbury for a fool, it only proves, that Cromwell made a most egregious blunder. The abilities of Cromwell do not, perhaps, rise much above the common standard. His military talents, seconded by the most daring resolution, and unprincipled ambition, were the true causes of his wonderful success; and Fairfax and Monk, had they been equally destitute of honor and probity, might have risen to the same height of power. But the abilities of Lord Shaftesbury were of the first class; far above the reach of Burnet's comprehension. "He had a particular talent," says the Right Reverend Historian, "to make others trust to his judgment, and depend upon it; but he had a rambling way of talking, and understood nothing to the bottom. Nevertheless, he had a wonderful faculty in speaking to a popular assembly; and brought over so many to a submission to his opinion, that no man was ever known equal to him in the art of governing parties, and making himself the head of them."

It

It should seem that the learned prelate considered the commanding genius of this great statesman and orator as somewhat akin to conjuration. He seems as much at a loss to account for the ascendancy, which Shaftesbury acquired over the persons with whom he was connected, as the judges of Leonora de Galigai, wife of Marechal D'Ancre, who, on her trial, being interrogated by what magical powers she had gained so absolute an influence over the mind of Mary of Medicis, her royal mistress, nobly replied that she used no other powers than those which a strong mind naturally possesses over a weak one. The portrait of the Earl of Shaftesbury, as delineated by Bishop Burnet, is defective in drawing, coloring, and resemblance.

Mr. Walpole enters more at large into the character of the Earl of Anglesea, Lord Privy Seal, though a much less remarkable personage; but the acrimony with which he is attacked seems void of any just foundation. Bishop Burnet, indeed, in his rude and gross manner, affirms, "that he stuck at nothing and was ashamed of nothing; that he was neither loved nor trusted by any man, nor any side; that he seemed to have no regard to common decencies; that he sold himself so often, that at last the price fell so low that he grew useless." This character, though so opposite to the whole tenor of the Earl's
life

life and conduct, seems to have been received by Mr. Walpole with implicit credulity. In answer to the Bishop's charge, that he was neither loved nor trusted, the authors of the *Biographia Britannica* justly observe, that he enjoyed the confidence of King Charles II. for more than twenty years. Mr. Walpole is pleased to deny the fact. But the assertion of the *Biographia* is certainly true, in that sense which is most honorable to the Earl's reputation. He was not indeed admitted to that degree of confidence which Lauderdale, Buckingham and Arlington once enjoyed; but if he had not possessed a considerable share of the King's esteem and regard, it is absurd to suppose that he would have retained his high offices for so long a period. Nor does it appear that he forfeited his reputation with the patriotic party; or that any parliamentary complaints were exhibited against the Lord Privy Seal during the whole reign of Charles II. and his disgrace was at last occasioned by a too zealous vindication of himself from an imputation which related to his conduct when Commissioner in Ireland thirty years before. "But," says Mr. Walpole, "if the fact were true, it would be no justification." No justification! then the apologists of the Earl are engaged in a hopeless attempt indeed. His being trusted by the King for twenty years, is not indeed a justification from all the accusations which

which falsehood and malice may invent, but it certainly is a complete justification from that charge which stigmatizes him as a man whom no one would trust. Of Burnet, governed as he was by the caprices of passion and prejudice, it may be truly said, that "his tongue out-venoms all the worms of Nile."

Mr. Walpole mentions an idle report, that Lord Anglesea, had he lived, would have been raised to the dignity of Chancellor by James II. But a man who had the courage to oppose, almost alone, the bill of attainder against the Duke of Monmouth, was not likely surely to receive so signal a mark of royal favor. The Earl is next charged with servile complaisance and glaring injustice, for sitting in judgment upon the regicides. "The Earl," says Mr. Walpole, "had gone most lengths with those men; in short, had acted with them in open rebellion to his sovereign. The putting to death that sovereign could by no means be the guilty part of their opposition. If a king deserves to be opposed by force of arms, he deserves death; if he reduces his subjects to that extremity, the executing him afterwards is a mere formality." The premises from which Mr. Walpole deduces his conclusion, are false both in theory and fact. It is theoretically false that every monarch whom it is justifiable to oppose by force of arms, deserves

serves death; and it is historically false, that the Earl had gone most lengths with the regicides. It is well known that the Parliament, of which the Earl was a leading member, never entertained the idea of dethroning the King, much less of bringing him to the block. Though they had engaged in what Mr. Walpole chuses to stile open rebellion to their sovereign, they regarded the public execution of the King as something more than *a mere formality*.—And they were fully persuaded that there was no just ground for proceeding to that dreadful and desperate extremity. It was a military faction which, after committing the most atrocious acts of violence upon the Parliament, affected that tragical catastrophe.

“That his Lordship failed with the times,” says Mr. Walpole, “remains notorious. Those principles must be of an accommodating temper, which could suffer the same man to be president of a republican council of state; and recommend him for chancellor to an arbitrary and Popish King.” The charge against the Earl of Anglesea, for failing with the times, is ridiculous. Can it be denied that he used his utmost efforts, as an honest and able statesman, to stem the torrent? That he submitted to the usurpation of Cromwell, is a crime common to his Lordship, with the whole nation. The Earl was not so arrant a political Quixote as to oppose an established government,

vernment, without some probability of success: and it is certain that he embraced, with ardour, the first favorable opportunity that offered for restoring the King and Constitution: and if he was "well rewarded," it is no less certain that he well deserved to be rewarded for his signal services upon that memorable occasion. As to the proof here given by Mr. Walpole of his accommodating principles, there could be nothing dishonorable in his accepting of the office of president of the council of state under the republic, when the nation at large acquiesced in the change of government: and if Mr. Walpole's memory had not strangely failed him in writing this article, he must have recollected that in the preceding page he had himself allowed, that the supposition of his being appointed chancellor to James II. was highly improbable.

"Once," continues Mr. Walpole, "when the Earl of Essex charged him in the House of Lords with being prayed for by the Papists, Anglesea said he believed it was not so; but if Jews in their synagogues, or Turks in their mosques, would pray for him, unasked, he should be glad to be the better for their devotion. Had he really been nominated to the chancellorship by James II. probably he would have pleaded that it was not of his own seeking, but owing to the prayers of the Catholics, and he was glad to be
the

the better for them." In this passage we have a curious specimen of Mr. Walpole's candour. Because the Earl upon one occasion replied to a malicious insinuation like a wise and an honest man, Mr. Walpole thinks it probable that upon another he would have answered like a buffoon and a knave: but the general verdict of his contemporaries has acquitted him of such disgraceful imputations.

The character of Lord Somers is drawn with that happy delicacy, to use Mr. Walpole's words upon another occasion, which finishes while it only seems to sketch.

Of the Earl of Orford, the famous Sir Robert Walpole, Mr. Walpole affirms, that sixteen unfortunate and inglorious years since his removal have written the eulogium. It is but justice, however, to the memory of Mr. Pelham to say, that the years succeeding the Peace of Aix-la-Chapelle, to the end of the life of that honest and able minister, were neither unfortunate nor inglorious.

Mr. Walpole, in his great zeal to invalidate the title of Lady Jane Grey, which was certainly one of the weakest that ever insulted the understanding of any nation, appears to adopt a very dangerous maxim in politics, viz. that the power given by Parliament to King Henry VIII. to regulate the succession, not being founded on national

expediency, could be of no force. Who is the proper judge of national expediency in this case; the legislature or a private individual?

It is not without a sensation of pain that this ingenious writer's account of Lord Falkland can be made the subject of animadversion. Mr. Walpole characterizes this gallant, patriotic and virtuous nobleman, as "a weak but well-meaning man, who got knocked on the head early in the Civil War, because it boded ill." That Lord Falkland was not "a weak man," is sufficiently evident, as well from the various productions of his pen as from the high reputation he acquired with his contemporaries for understanding as well as integrity. It is easily conceivable that Lord Falkland, though he had acted with Hampden and the patriots, might believe it to be his duty to join the royal party, after the great sacrifices the King had made; and though the danger to be apprehended from the success of the King's arms, and the undoubted right of Parliament to judge whether the concessions made by the crown were sufficient to secure the Constitution from future attacks, should I think have inclined him to adopt a different line of conduct; it is absurd to represent his erroneous choice as a proof of defect of understanding. Upon that great occasion, men of equal abilities, knowledge and integrity, would doubtless, as in every
other

other situation of importance and difficulty, see things in very different points of view. His indulgence of melancholy, and his disregard of life in the critical and dangerous state of public affairs, after the commencement of the war, may indeed be justly considered as extremely culpable. But such faults are too rare, and proceed from motives too generous and noble to make it necessary to treat them with such contemptuous and sarcastic severity.

Upon the whole, the volume in question affords much amusement, and contains very many proofs of liberality, taste, and good sense; and no violation of personal respect is intended, or can justly be inferred, from the critical and impartial examination of writings, which by the very act of publication are submitted to the public censure.

ESSAY XXXI.

OBSERVATIONS ON GENIUS.

WHAT is GENIUS? A certain writer of highly respectable abilities, who has treated this subject much at large, Dr. Gerard, tells us, that "Genius is properly the faculty of invention, by means of which a man is qualified for making new discoveries in science, or for producing original works of art." On the other hand "the true Genius," according to Dr. Johnson, "is a mind of great general powers, accidentally determined to some particular direction." And he elsewhere styles Genius, "that quality, without which judgment is cold and knowledge is inert; that energy which collects, combines, amplifies and animates; always investigating, always aspiring; in its widest searches still longing to go forward, always imagining something greater than it knows, always endeavouring more than it can do." Of these two different accounts of Genius, the latter appears most consonant to truth; and Dr. Gerard seems to have mistaken the nature of Genius when he affirms, that "Genius is one of the intellectual powers, and conspicuously distinguishable from the rest."

"Genius,"

"Genius," says the learned and worthy professor "is confounded not only by the vulgar, but even sometimes by judicious writers with mere capacity; which implies nothing beyond a little judgment, a tolerable memory, and considerable industry." But conformably to the ideas of Dr. Johnson, Genius differs from capacity not in kind but in degree. When the capacity of any individual, *i. e.* his ability for acquiring, retaining, and digesting knowledge, arises to a certain degree of superiority above the common level, we stile him without hesitation, a man of genius, without any exclusive reference to the faculty of invention. It is true that vigour of imagination almost invariably accompanying any remarkable superiority of capacity, it is justly considered as one of the principal ingredients which enter into the complex idea of Genius. But judgment, memory, understanding, enthusiasm, and sensibility are also included; for a very high degree of mental capacity is as constantly found conjoined with these mental qualities, as with imagination or invention. And though the man of genius may not possess all these properties in the same degree, and though the relations they bear to each other cannot be ascertained by any fixed rule of proportion, the total absence of any one of them will divest him of all pretensions to the praise of genius.

In vindication however of that erroneous hypothesis, which reduces Genius to mere invention, Dr. Gerard observes, "that if a man shews invention, no intellectual defects which his performance may betray can forfeit his claim to Genius; and the degree of this faculty ascribed to him is always in proportion to our estimate of the novelty, the difficulty, or the dignity of his inventions." But this is evidently supposing a case which is never known to exist: the faculty of invention being invariably accompanied with a certain degree of judgment, understanding, sensibility and taste. If it could be proved to exist unconnected with these qualities, it most certainly would not entitle the possessor to the praise of genius, but to the reproach of folly and extravagance.

Dr. Gerard himself allows in another part of his work, that "mere imagination will not constitute Genius. As fancy," he very justly observes, "has an indirect dependance both on sense and memory, from which it receives the first elements of all its conceptions; so when it exerts itself in the way of genius it has an immediate connection with judgment, which must constantly correct and regulate its suggestions." But how does this coincide with his former assertion, that Genius is strictly and properly the faculty of invention? Dr. Gerard seems to think that he has sufficiently

sufficiently reconciled these apparent contradictions by remarking, "that if fancy were left entirely to itself, it would run into wild caprice and extravagance *unworthy to be called invention.*" Thus it is, therefore, Dr. Gerard will not allow us to call invention, invention, because it does not happen to suit his hypothesis. But certainly if Genius is nothing more nor less than invention, the wildest caprices of fancy are indubitable marks of Genius. It is true that the learned and ingenious professor shelters himself under the authority of Quintilian, who says, "*Ego porro ne invenisse quidem credo eum qui non judicavit; nec enim contraria, communia, stulta, invenisse dicitur quisquam, sed non vitasse.*" But the true meaning of Quintilian is far from being favourable to the hypothesis of Dr. Gerard. The Romans had no term in their language, exactly corresponding to the word "Genius," but the idea was very familiar to them: and both Cicero and Quintilian plainly perceived that it was inadequately expressed, by the term "*inventio.*" "*Quid illa vis,*" Tully asks, "*quæ tandem est, quæ investigat occulta, quæ inventio, atque excogitatio dicitur?*"

By this energy of mind which was called invention, because invention was one of its principal characteristics, they saw that something more than invention was really intended; and

the general idea of Quintilian, respecting invention as expressive of Genius, did not in fact differ from that of Dr. Hartley, when he defines invention to be "the art of producing new beauties in works of imagination, and new truths in matters of science." But new beauties and new truths cannot be discovered without the exercise of judgment, reason, memory, and taste; that is to say, Genius does not consist in the mere faculty of invention: and to say that it consists in the art of producing or discovering new beauties or new truths, is to make it consist in that assemblage of mental qualities, without the joint operation of which, new truths and new beauties cannot be produced.

Dr. Gerard tells us, that "the degree of Genius ascribed to a man, is always in proportion to our estimate of the novelty, difficulty, or dignity of his inventions. It is not perfectly easy to comprehend what is meant by "estimating Genius by the novelty of an invention," as all inventions must have an equal claim to novelty. The difficulty and dignity of an invention, if by dignity be understood its utility and beauty, are indeed circumstances which afford very sufficient proofs of Genius in the inventor. But then they are proofs of something more than a mere faculty of invention—they shew that invention is associated with its usual concomitants.

The

The fact is, that Genius is a term like many others, too complex to admit of a regular or precise definition; and if Genius is confounded by some writers with "mere capacity," they are involved in an error of less magnitude than those who confound it with "mere invention," which is only one of the intellectual powers; whereas true Genius pervades, strengthens, and illuminates the whole collective mass; and is so far from being confined to invention, that it is often very conspicuously displayed in the opposite and less dignified walk of imitation. Had the *Iliad* of Homer been as destitute of poetical fire, as the burlesque though literal translation of Hobbes, we should scarcely have scrupled to stile the beautiful translation of Pope a work of far superior Genius to the original, though the praise of invention would still have remained with the antient bard.

By capacity is meant an ability for acquiring knowledge; by Genius, an eminent degree of capacity, including that assemblage or aggregate of mental qualities usually associated with it. Genius denotes that energy of mind which is not only capable of receiving, but of exciting vivid and powerful impressions. Imagination is unquestionably one of the noblest of the mental powers; and when the inventive faculty produces what has truth and beauty, as well as novelty to recommend

recommend it, without doubt it must be acknowledged an infallible criterion of Genius. But still it has no exclusive right to assume the appellation of Genius, which is a term of such comprehensive import as to include within its jurisdiction all the rational and intellectual powers. There is in fact no one intellectual quality which, if it arises to a certain height of excellence, may not be considered as a characteristic of genius; for there is such an intimate connection between the different mental powers, that if any single quality rises to uncommon excellence, there is a very strong presumption that the other mental qualities, though perhaps in a great degree uncultivated, are also naturally excellent. That quick discernment of beauty, and ardent admiration of it, for instance, which we denominate *taste*, implies such a sense of intellectual vigour and excellence, that it may properly be regarded as a characteristic of genius, though abstractedly considered, frequently and justly opposed to invention, which is another and a higher mark of genius; and which therefore has often been confounded with genius. Thus, M. Voltaire observes; that "Shakespeare has genius and Addison *taste*, between which, however," says he, "there is an immense interval." There is indeed a very wide interval between the power of creating and that of *merely* discerning beauties; but experience sufficiently

ſufficiently proves that exquisite delicacy of taſte, or a ready and vigorous perception of beauty, is ſeldom found, where invention, or the faculty of producing new beauties or diſcovering new truths is entirely wanting; and it cannot exiſt but in conjunction with judgment, underſtanding, and ſenſibility.

A few detached obſervations relative to the ſubject may, with propriety, conclude this Eſſay. And,

1ſt, As to the long conteſted queſtion, relative to the diſparity of Genius between the two ſexes, it does not appear that the claim of man to ſuperiority in this view reſts upon any very juſt foundation. If we compare men and women born in the loweſt ranks of life, and equally deſtitute of the advantages of education, or on the other hand if the compariſon be made between women in the higher ſtations of ſociety, whoſe minds have been properly cultivated, to men of the ſame rank, the female ſex will in neither caſe ſuffer by the parallel; and to inſtitute any compariſon where the advantages of education are confined to one of the parties, would be too groſs and manifeſt a partiality. Though Lord Cheſterfield, in order that nothing might be wanting to exhibit his ſon to the world as a conſummate politician, informs him as a profound ſecret, that women were only children of a
larger

larger growth, and were to be regarded and treated as such, it is certain, that of those women who have attained to the summit of power, a great proportion have shewn, that their talents for government were equal to those of the greatest princes. It is not necessary in order to justify this assertion, to trace the records of history so far back as the reigns of Semiramis, Tomyris, or Zenobia, ladies, concerning whom the world would be happy to obtain better information; but we may appeal to modern times, to facts, and to characters known to all—to our own renowned Elizabeth, to the famous Isabella of Castile, to an Anne of Beaujeu, a Christina of Sweden, or a Catherine II. of Russia, for whom perhaps the glorious task is destined, of expelling those proud contemners of female understanding, the Turkish barbarians, from those delightful countries which have so long groaned under the yoke of Ottoman despotism.

2dly, It may be observed that no learning, no experience, no application will either conceal or compensate an original deficiency of Genius. Poverty of Genius, in reality becomes only the more conspicuous, by an artificial conjunction with extensive knowledge, or profound learning. And in public life, if men of mean talents, though of long and acute acquaintance with the

detail of business, are ever so unfortunate as to be elevated to the highest departments of the state, there is perpetual danger lest, for want of comprehension of mind and perspicacity of discernment, measures should be adopted injurious or perhaps fatal to the interests of the community. From men of genius only can we ever rationally expect any seasonable, judicious, and well conducted plans of national improvement.

3dly, It ought, on the other hand, to humble the pride of genius to consider, that it is liable to fall into the greatest speculative absurdities. Human nature is so unequal to the investigation of truth, that a mind of the highest powers, which ventures to confide in its own superiority, is quickly lost in a labyrinth of perplexity and error. Truth is to be attained, as far as it is attainable by so weak and imperfect a being as man, by patient, laborious, and attentive consideration; by divesting ourselves of passion and prejudice, by commencing our enquiries with doubt and diffidence, and by extending a candid and equal regard to the arguments on every side, and weighing them in the balance of strict and impartial justice. The man of genius is frequently deficient in almost all these essential requisites for the discovery of moral truth. Full of ardor and enthusiasm, and elate with the consciousness of superior talents, he thinks it superfluous

fluous to devote that portion of time and patience to the investigation of truth which its nature indispensably requires. He forms his opinions with precipitation, and when once formed his pride is engaged to vindicate and support them. As his feelings are strong, and the faculty of association vigorous and powerful, his first opinions, originally formed on very slight grounds, soon degenerate into inveterate prejudices; and in this state of mind he treats with contempt or indignation all arguments but such as have a tendency to confirm him in error; and his superiority of genius only serves, by supplying him with endless fallacies, to plunge him deeper and deeper into the abysses of absurdity and extravagance.

None are so surely caught when they are catch'd
 As wit turn'd fool—folly in wisdom hatch'd
 Hath wisdom's warrant, and the help of school
 And wit's own grace to grace a learned fool.

SHAKESPEARE.

A man of genius, entangled in absurdity, is nevertheless an object of compassion rather than of ridicule. “On doit,” says M. Mirabeau, very generously, “une indulgence presqu’ illimitée aux grands hommes quand ils ont évidemment tort.”

4thly, It is a too justly prevailing opinion that

that melancholy is a very frequent attendant on genius. How is this to be accounted for? Enthusiasm or ardor of mind is certainly a striking characteristic of genius; but this is a quality apparently incompatible with melancholy, which deprives the mind of every degree of force and vigour, and leaves it without any proper *stimulus* to action. The difficulty may best be solved by supposing enthusiasm natural to genius, and melancholy only an accidental and adventitious quality. None are so liable to disappointments in the world as men of genius, and melancholy is the natural consequence of disappointment. Their feelings, too refined for their own happiness, are wounded by neglect, sometimes perhaps by insult. Their taste for beauty and order is shocked by the scenes of folly, vice and misery, perpetually presented to their view. The common concerns of life appear to them flat, insipid and uninteresting. They first grow weary of the world and then of themselves. The best remedy for this disease of the mind is the firm belief of that sublime system, which teaches the existence of an infinitely wise, powerful and beneficent Being, under whose omnipotent government and control the course of events is tending to a happy and glorious consummation.

ESSAY

ESSAY XXXII.

ON SHAKESPEARE.

IT appears paradoxical, but it is strictly true, that the faults of Shakespear, great and numerous as his warmest advocates must allow them to be, afford the most decisive proofs of his excellence. It is an acknowledged fact, that to his works all classes of men, the young and the old, the learned and the ignorant, the clown and the courtier, are indebted for the most exquisite entertainment and delight. And yet what rule of composition can be named which he has not violated? what species of impropriety from which he is entirely exempt? How transcendent then must be the merit of that writer, how striking the lustre of those beauties, which have power to excite such delightful emotions under such disadvantages, and combined with such defects?

It is a subject of liberal curiosity to enquire into the nature of those beauties, and in what manner they concur to produce this extraordinary effect. Much has been said and much been done by critics of the first eminence, in order to illustrate those points; but it will probably ever remain

remain in some degree a mystery why one writer pleases above another, and consequently, why Shakespear pleases above all others. It requires a much more intimate acquaintance with the human mind, than the acutest philosopher can boast, to be able to trace the origin and progress of all those associations which contribute to the formation of pleasurable ideas. We know indeed from experience, that the observation of certain long established rules of composition pleases in a certain degree, and we can account tolerably, upon philosophical principles, for the pleasure we derive from those sources: but unfortunately for the lovers of system, Shakespear has dared to please in contradiction to rules, and in a higher degree, than the most admired writers who have adhered to them. For even the *Cædipus* and *Iphigenia* of Sophocles and Euripides must be acknowledged inferior to *Lear* and *Othello*, in regard to the general effect of the composition: and to put the *Cid* and *Athalie*, those *chef d'œuvres* of the French theatre, in competition with Shakespear, is, as it were, to bring Paris into the lists to encounter Ajax or Achilles. Without entering into a very elaborate discussion of the subject, it may be pardonable to offer a few remarks on the causes of this evident and prodigious superiority; or in other words, to point out some of those characteristic

beauties which predominate in the works of Shakespeare, and which constitute their principal excellence. And perhaps the most striking feature appertaining to them is,

1st, That they irresistibly arrest the attention. Our curiosity is powerfully excited at the commencement of each piece, and it is never suffered to subside till the conclusion of it. This is the most infallible test and proof of genius. Many of our modern tragedies, it must be acknowledged, are regular and faultless performances; some of them are not only free from material defects, but possess a considerable share of real excellence; for instance, *Cato*, *Irene*, and *Phædra* and *Hypolitus*. The diction of these plays is lofty and poetical without being inflated; the sentiments just and noble, the plots regularly conducted, the characters skilfully diversified, and the unities strictly preserved. What can be wanting then to the perfection of tragedy?—Yet these tragedies, and such as these, we read without emotion or sympathy; with a certain sensation of pleasure indeed, but so weak, as scarcely to induce us to take up the performance a second time, except it may be for the purpose of committing a few splendid passages to memory. They are defective in that first and greatest power of composition, the power of seizing, fascinating, and enchaining the attention; in
a word,

word, they are defective in *genius*—a term easy to comprehend, impossible to define. On the contrary, we are unable to peruse Lear, Macbeth, or Othello, without the strongest emotions of pity, terror, indignation, solicitude and sorrow. But is there not a sufficient *quantum* of distress and misfortune, to produce these effects in our modern dramas? Distresses and misfortunes there are in abundance, certainly; but so perversely do they operate, that where the poet is most inclined to be serious, the readers are often most disposed to be merry. They seem as void of compassion as Launce's dog Crab—"I think," says he, "Crab, my dog, be the fourest-natured dog that lives. My mother weeping, my father wailing, my sister crying, our maid howling, our cat wringing her hands, and all our house in great perplexity, yet did not this cruel-hearted cur shed one tear."

But not to dwell on this obscure and general cause of the superiority of Shakespeare, above all other dramatic writers, it will be universally allowed, 2dly, That his skill in discriminating, and his attention to the preservation of his characters, constitute a distinguished branch of his superior excellence. It is true that in many other productions of the drama, we meet with characters natural and consistent, conceived with judgment and sustained with propriety; but the characters

of Shakespeare are drawn with such surprizing force as well as propriety and truth, that we can scarcely forbear to consider them as originals, actually in existence. Many scenes are penned with such an air of animation, of nature, and reality, that one is almost tempted to suppose, that the poet had, like Bayes, over-heard the dialogue which he gives us as his own invention. Such is the scene, in which Hamlet is first informed of the appearance of his father's ghost—such the garden scene in Romeo and Juliet, and such the scene in which Iago first awakens the jealousy of Othello; and such an hundred others. The characters of Shakespeare also are not only drawn with force and correctness, but many of them are of a very uncommon and original cast—Such as Falstaff, Polonius, Jaques, Menenius, &c. Characters like these require the utmost care and delicacy in the execution, and afford the highest degree of entertainment, when touched by the hand of a master. They are not so much close and exact copies of nature, as bold imitations: they are not perhaps such characters as do exist, but when once delineated, such as might easily be supposed to exist. We perceive, that they are so constructed as to display the most perfect knowledge of the human mind; that the component parts of these characters are strictly consonant to those ideas of truth

and nature which we find in our own breasts; but the combination is wholly new. Who will venture to assert, that the character of Falstaff is unnatural? yet where, in real life, shall a Falstaff be found? though so exquisite is the workmanship displayed in its formation, that it would scarcely seem hyperbolical to exclaim with the poet—

“ Nature herself, amaz’d, may doubting stand,
Which is her own, and which the painter’s hand.”

It is farther observable, that in characters of the same class, we find the nicest and most curious shades of discrimination: the heroines of Corneille are copied from a grand indeed, but uniform model. But if we survey with attention the characters of Desdemona, of Imogen, of Ophelia, of Juliet, &c. all innocent and amiable, we perceive that each has her peculiar *traits*, which distinguish her from the rest. Juliet has not the artlessness and simplicity of Desdemona, Imogen has not the courage and resolution of Juliet, Ophelia has not the tender and delicate affection of Imogen, nor Desdemona the filial piety of Ophelia. Another remarkable circumstance relating to this astonishing preservation of character is, that he is almost invariably careful to imitate, and not merely to describe the feelings and passions of the different personages of the drama. The

distinction between imitation and description has been well illustrated by Lord Kaims ; and it is certain that nothing less than a genuine expression of passion can awaken the attention or sympathy of the spectator. Shakspeare deals very little in loose and unmeaning declamation. In trying and critical situations, we have usually the language of nature bursting from the heart : Or, if he fails, it is not by falling into the undramatical or uninteresting language of description, but into sentiments too much laboured, harsh or unseasonable metaphors, or quaint and far-fetched conceits. Othello, when perfectly convinced of the falshood of Desdemona, and the treachery of Cassio, thus exclaims in the most perfect imitation of passion, that can be conceived—

Oth. Oh ! that the slave had forty-thousand lives,
One is too poor, too weak for my revenge.
Now do I see 'tis true—Look here, Iago ;
All my fond love thus do I blow to Heaven ;
'Tis gone.
Arise black vengeance from thy hollow cell !
Yield up, O Love, thy crown and hearted throne
To tyrannous hate ! Swell bosom with thy fraught,
For 'tis of aspick's tongues !

Iago. Yet be content.

Oth. Oh ! blood, blood, blood.

Iago. Patience ! I say ; your mind perhaps may change.

But here the language of imitation changes to that of description—

Oth. Never, Iago : Like the Pontic Sea,
Whose icy current, and compulsive course,
Ne'er feels retiring ebb, but keeps due on
To the Propontic and the Hellespont ;
Even so my bloody thoughts, with violent pace
Shall ne'er look back, ne'er ebb to humble love,
Till that a capable and wide revenge
Swallow them up.

Beautiful as this comparison is, we feel the impropriety of it, in the situation and circumstances of the speaker. This is a remarkable deviation from Shakespeare's usual mode of writing : but if we look into modern plays, and into the works of the French dramatists, we shall find imitation of passion scarcely attempted, and description every where prevalent.

3dly, The next remarkable characteristic of this great poet which offers itself to notice, is the beauty and energy of his diction. It is now two hundred years since he commenced writer, and in this time, his language has acquired a certain obsolete cast, an air of antiquity, which it must be owned is of no advantage to his comedies, for the stile of comedy should be always easy and familiar ; but which gives to his tragic compositions an inexpressible grace and dignity. This is a species of excellence, which modern

writers cannot attempt without falling into a sort of literary mimicry, which is productive of a very ludicrous effect. The beautiful concluding lines of Dryden's epistle to Kneller, are as applicable to the art of poetry, as to that of painting; and it might have been as truly predicted of the works of a Shakespeare, as of those of a Raphael:

More cannot be by mortal art express'd,
But venerable age shall add the rest;
For Time shall with his ready pencil stand,
Retouch your figures with his ripening hand;
Mellow your colours and embrown the teint;
Add every grace which Time alone can grant;
To future ages shall your fame convey,
And give more beauties than he takes away.

It cannot however be doubted, but that the stile and diction of Shakespeare must have originally possessed merit of the highest kind; the most forcible, as well as the most beautiful composition of words which the English language perhaps affords, are to be found in his works. Where, in the whole range of modern poetry, do we meet with such powers of expression, as the following passages exhibit, which on the casual opening of a volume, almost immediately present themselves:

All those which were his fellows but of late,
Some better than his value, on the moment

Follow

Follow his frides; his lobbies fill with 'tendance,
Rain sacrificial whisp'rings in his ear.

————— Who dares, who dares
In purity of manhood, stand upright,
And say this man's a flatt'rer—If one be,
So are they all—For every grize of fortune
Is smoothed by that below: the learned pate
Ducks to the golden fool—All is oblique:

————— Here's gold; go on:—
Be as a planetary plague, when Jove
Will o'er some high-vised city hang his poison
In the sick air.

————— What! think'st thou
That the bleak air, thy boisterous chamberlain,
Will put thy shirt on warm? Will these mofs'd trees,
That have out-lived the eagle, page thy heels
And skip when thou point'st out? Will the cold brook,
Candied with ice, caudle thy morning taste,
To cure thy o'er-night's surfeit? Call the creatures
Whose naked natures live in all the spite
Of wreakful heaven; whose bare unhoused trunks
To the conflicting elements exposed
Answer mere nature—bid them flatter thee!

————— Oh! dear divorce *(looking on the gold.)*
'Twixt natural son and fire! thou bright defiler
Of Hymen's purest bed! Thou valiant Mars!
Thou ever young, fresh, loved, and delicate wooer,
Whose blush doth thaw the consecrated snow
That lies on Dian's lap!—Thou visible God,
————— that speak'st with every tongue
To every purpose!—&c. &c.

TIMON OF ATHENS.

These remarks, respecting the beauty of the style of Shakespeare, cannot properly be dismissed, without noticing the astonishing variety and richness of his imagery. He is the most figurative writer, Ossian perhaps excepted, in our language: yet his similes and metaphors are chosen with such exquisite propriety, and so happily adapted to the disposition, situation, and circumstances of the different speakers, that his style very rarely appears stiff, or laboured, or affected; and if he is ever justly chargeable with those faults, they much oftener arise from violent ellipses and inversions of language, from licentious modes of expression, and words used in anomalous senses, than from the improper or injudicious use of metaphorical ornament. It would indeed be rash to assert, that, throughout the entire extent of his voluminous productions are not to be found a very considerable number of indefensible images, and even of ridiculous conceits; but it may justly be affirmed, that they bear a very small proportion to those passages, in which the happiest use is made of this liberty; and “the poet’s eye in a fine frenzy rolling,” seems to glance from heaven to earth in search of objects, whence to borrow apt and suitable allusions to grace or dignify his page. His images are indeed taken from a most comprehensive survey of the works of nature and of art;

art; and the knowledge he displays is so various and extensive, that it cannot but raise astonishment, how in the course of a life, the early part of which appears to have been wasted in idleness and dissipation, and the rest devoted to the duties of his profession as an actor, manager, and author, he could find opportunities to amass such inexhaustible stores of mental treasure. The first act of Hamlet alone will furnish a sufficient number of examples, to shew the exquisite judgment and taste which Shakespear exhibits in the choice and application of his metaphors.

—— Look, the morn in russet mantle clad
Walks o'er the dew of yon high eastward hill.

Laer. For Hamlet and the trifling of his favour,
Hold it a fashion, and a toy in blood,
A violet in the youth of primy nature,
Forward, not permanent; tho' sweet, not lasting.

The charest maid is prodigal enough
If she unmask her beauty to the moon :
Virtue itself 'scapes not calumnious strokes ;
The canker galls the infants of the spring
Too oft before their blossoms are disclosed,
And in the morn, and liquid dew of youth,
Contagious blastments are most imminent.

Ophe. I shall th' effects of this good lesson keep,
As watchmen to my heart— But good my brother,
Do not, as some ungracious pastors do,

Shew

Shew me the steep and thorny way to heaven;
 Whilst like a puff and careless libertine,
 Himself the primrose path of dalliance treads
 And recks not his own read.

————— My fate cries out
 And makes each petty artery in this body
 As hardy as the Nemean lion's nerve.

I find thee apt:
 And duller should'st thou be than the fat weed,
 That roots itself at ease on Lethe's wharf,
 Would'st thou not stir in this—&c. &c.

4thly, The last particular to be insisted upon, as one of the principal characteristics of this justly celebrated poet is, the unrivalled skill, or rather felicity of his versification. For though nothing can appear less the effect of care and study, never did any author so happily express, and in such a variety of instances, that curious correspondence between sense and sound, in which its grand excellence consists. His cadences are sometimes so melodious and grateful to the ear, that they may be compared to the soft and mellifluous breathings of a flute; and at other times, so full and powerful, as to resemble the animating sounds of the trumpet. Every passion and affection of the mind assumes that precise tone, which is peculiarly suitable to it: and the accents of grief, rage, love, pity, indignation, and despair, it is scarcely too much to say, are

to be distinguished with no less ease and certainty by the various flow of the numbers, than the precise sense of the passages from the words. But it may be proper to subjoin a few specimens of this *curious felicity* in his versification, which may serve at once as proofs and illustrations of what has been advanced. How slow and mournful is the movement of the following lines!

Const. What dost thou mean by shaking of thy head?
Why dost thou look so sadly on thy son?
What means that hand upon that breast of thine?
Why holds thine eye that lamentable rheum?
Be these sad sighs confirmers of thy words? &c.

K. JOHN.

How striking the transition to the language of fury and revenge!

Arm, arm, ye heavens, against these perjur'd kings.
Oh that my tongue were in the thunder's mouth!
Then with my passion would I shake the world, &c.

IBID.

One would imagine that Shakespeare was describing in these charming lines, the very effect which they are made to produce.

That strain again; it had a dying fall;
Oh! it came o'er my ear, like the sweet South,
That breathes upon a bank of violets,
Stealing, and giving odour.

TWELFTH NIGHT.

But in what bold and founding language are the grand and magnificent ideas expressed which are conveyed in the following lines ;

Ye elves of hills, &c. ——— by whose aid,
Weak masters tho' ye be—I have bedimm'd
The noon-tide sun, call'd forth the mutinous winds,
And 'twixt the green sea and the azured vault
Set roaring war ; to the dread rattling thunder
Have I given fire, and rifted Jove's stout oak
With his own bolt ; the strong bas'd promontory
Have I made shake, and by the spurs pluck'd up
The pine and cedar. THE TEMPEST.

It seems scarcely possible to pronounce the following line and half in a tone of voice much above a whisper ;

Pray you tread softly, that the blind mole may not
Hear a foot fall. IBID.

How gay and pleasing the turn of the verse, when Romeo's dreams “ preface some joyful news at hand ”—

My bosom's lord sits lightly on his throne,
And all this day an unaccustom'd spirit
Lifts me above the ground with cheerful thoughts:

How soft and tender the accents of love in this and a thousand other passages—

——— Oh hear me breathe my love
Before this ancient Sir, who it should seem

Hath

Hath some time lov'd. I take thy hand, this hand
As soft as dove's down, and as white as it,
Or Ethiopian's tooth, or the fann'd snow
That's bolted with the northern blast thrice o'er.

WINTER'S TALE.

But enough of quotations. It were easy to enlarge on the admirable sentiments and maxims of morality with which his works abound: it has been truly observed, that a perfect system of ethics might be extracted from them. Nor were it more difficult to expatiate on the skill with which, notwithstanding his ignorance or negligence of the Aristotelian code, he conducts and combines the different branches of his fable; to extol the variety and brilliancy of his wit; and perhaps with still greater justice the depth and solidity of his judgment; displaying itself in the most profound and sagacious reflections, and most accurate and demonstrative reasonings. But in these respects other writers have, it must be acknowledged, advanced if not to an equality, at least much nearer to an equality, than they have been able to attain in the points already mentioned—in the first and greatest characteristics of genius, the power of moving the passions and enchaining the attention; in the faculty of inventing and portraying characters, that fundamental excellence of the drama; in the beauty and energy of stile, and diction, and
imagery,

imagery, and in the power of numbers, and felicity and facility of versification.

The merit of the French writers is indeed very great. In every walk of literature, and particularly in the dramatic, they have by their ingenious productions done the highest honor to themselves and to their country. Had we not a Shakespeare to boast, none of our tragic pieces, unless an exception be made in favor of *Venice Preserved* and the *Orphan*, could justly be put in competition with *Cinna*, *Polieucte*, *Athalie*, *Iphigene*, and many other pieces of Corneille and Racine which might be enumerated. But Corneille and Racine themselves stand at a much greater distance from Shakespeare, than Rowe, or Otway, or Fletcher from them. For one Shakespeare nature forms many Corneilles, and we might as soon expect to see another Newton in philosophy as another Shakespeare in dramatic poetry.

M. Voltaire affirms indeed, that Lopez de Vega was two hundred years ago in Spain what Shakespeare was in England. This assertion few will pretend of their own knowledge to controvert. But as the *ipse dixit* of M. Voltaire does not amount to absolute demonstration, it may be pardonable to suspend our belief of it till good sense and good taste become prevalent in Spain as they now are in England. And when that
period

period arrives, if Lopez-de-Vega continues as much the object of admiration as at present, the universal opinion of so enlightened a nation will undoubtedly form the highest presumption, that his genius was of the highest class, and that his name and works are destined to immortality. This presumption now exists in favor of Shakespeare. He may be considered as only entering his career of fame and glory, and to adopt the words of an animated writer, "when the very name of Voltaire, and even the memory of the language in which he has written shall be no more, the Apalachian mountains, the banks of the Ohio, and the plains of Sciota shall resound with the accents of this barbarian."

Ben Jonson has been accused of giving a scanty and reluctant tribute of applause to his great rival; but there is in his eulogium one line, one prophetic line, which shews that he perfectly understood, and freely acknowledged his transcendent merits—

"He was not for an age, but for all time."

And without question he is entitled to a place in the highest rank of that illustrious band—

"Whose honors with increase of ages grow,
As streams roll down enlarging as they flow;
Nations unborn his mighty name shall sound,
And worlds applaud that must not yet be found."

ESSAY XXXIII.

ON STYLE AND VERSIFICATION.

MR. Addison has most elegantly and justly observed, that, "there is as much difference between comprehending a thought clothed in Cicero's language, and that of an ordinary writer, as between seeing an object by the light of the taper or the light of the sun." What is it then that distinguishes the style of Cicero from that of an ordinary writer? Or, to generalize the question, What is it that constitutes beauty of style? Beauty is that quality in objects, the view or contemplation of which, abstracted from its utility, excites pleasurable emotions. It is plain therefore that beauty is a relative and not a real quality; and it must be as various, as the different tastes and sentiments of all the different individuals of mankind. Yet that *taste*, by which is meant our capacity for discerning beauty, is not as applied to literature wholly capricious and arbitrary, may be inferred from an appeal to certain facts which incontrovertibly demonstrate, that the productions of various writers for a long succession of ages have actually excited very lively emotions

emotions of pleasure in the minds of a great majority of those, who are capable of understanding them. And that a great proportion of this pleasure arises from the beauty of the language in which they expressed their ideas, evidently appears from this consideration alone, that the same sentiments translated into other language cease to charm, or at least to excite the same kind and degree of delight.

Of this class of writers we may reckon Homer, Virgil, Demosthenes, Cicero, Livy, Horace, Terence, and innumerable other Grecian and Roman writers, who are universally regarded as the grand models of literary excellence. Here then we seem to approach to something which resembles a standard of beauty, as it relates to style. For if there are those who seem to derive no pleasure from these exquisite performances, or who even feel a degree of disgust or *tedium* from the perusal of them, the instances are so few, that we make not the least scruple to neglect and despise their censures, regarding them as men whose minds are not framed for the perception of beauty, and who are totally incompetent to decide upon any questions relative to it. But in reality, notwithstanding this general coincidence of opinion, when we attempt to analyze and compare our ideas, we quickly discover, that while we use the same expressions, there

often subsists a very considerable difference of sentiment, and that every man has erected a standard of taste and beauty in his own mind, to which he has a secret reference; though he adopts in common with others the same vague and indeterminate expressions of applause and censure. However true in the abstract, that a good style consists of "proper words in proper places," it still remains as difficult as ever, upon any fixed principles, to decide what are the proper words and where the proper places. And it has been observed with no less justice than wit, that this definition conveys in it as little real information, as if a telescope were described, as an instrument consisting of proper glasses in proper places; and yet Swift knew as well as any man the difference between a good and a bad style, and if it was capable of being defined, as capable of defining it.

Hume truly observes, that the first elegant prose in our language was written by Swift. Mr. Melmoth, indeed, inclines to pay that compliment to Sir William Temple, but without adequate reason. Sir William Temple is certainly a name, to which it is difficult not to be partial. He was at once a man of fashion, a man of letters, and a man of business; and in each of these different characters he excelled. But if we consider him merely as a model of
classical

classical composition, we are in danger of being a little imposed upon, our judgments being insensibly influenced and biassed by circumstances to which we do not immediately advert. In reading the works of Sir William Temple, we perceive that he was a man, perfectly conversant with the great world. We know that he was possessed of the politest manners and address, and his mode of writing is free, easy and amusing, without any tincture of affectation or pedantry; so that we easily persuade ourselves, that his style is graceful; and his solecisms, his uncouth periods, and awkward phrases pass for the casual slips of an elegant but careless writer.

The occasional inspection of any tract of Sir William Temple will furnish proofs of the justice of these remarks. A few instances may be selected from his consolatory Epistle to the Countess of Essex, upon the loss of her only daughter. After making some apologies for not answering at a more early period a letter received from her, he adds, "your ladyship, at least, has had the advantage of being thereby excused some time from this trouble, which I could no longer forbear, upon the sensible wounds that have so often of late been given your friends here, by such desperate expressions in several of your letters, &c."—"God Almighty gave you all the blessings of life, and you set your

heart wholly upon one, and despise and undervalue all the rest; is this his *fault* or yours?"—Again, "passions, are the stings without which, they say, no honey is made: yet I think all sorts of men have ever agreed, they ought to be our servants and not our masters; to give us some agitation for entertainment or exercise, but never to throw reason out of its seat." These opposite and incongruous metaphors bear no remote analogy to the happy ductility of Polonius, who thinks the same cloud very like an ouzel, very like a camel, and very like a whale. Once more; "How has my Lord of Essex deserved, that you should go about to lose him a wife, he loves with so much passion; and which is more, with so much reason: so great an honour and support to his family, so great a hope to his fortune, and comfort to his life?" To go about to lose my Lord of Essex a wife, is a species of phraseology so quaint and comic, that one would suppose, her ladyship in the midst of her affliction could not but "smile in weeping."

Some parts of this Epistle, however, are very beautifully written; and it would appear invidious to quote so amiable a writer merely for the purpose of censure. "I know no duty in religion," says he, in a very dignified and rational strain of devotion, "more generally agreed on, or more justly required by God Almighty, than
a perfect

a perfect submission to his will in all things. Nor do I think any disposition of mind can either please him more, or become us better, than that of being satisfied with all he gives, and contented with all he takes away. None, I am sure, can be of more honor to God, nor of more ease to ourselves. For if we consider him as our Maker, we cannot contend with him; if as our Father, we ought not to distrust him. So that we may be confident whatever he does is intended for our good; and whatever happens that we interpret otherwise, yet we can get nothing by repining, nor save any thing by resisting."

And in very moving and tender terms he in a subsequent part of the Epistle adds—"After all, Madam, I think your loss so great, that would all the passionate complaints, all the anguish of your heart do any thing to retrieve it; could tears water the lovely plant so as to make it grow again after once it is cut down; would sighs furnish new breath, or could it draw life and spirits from the wasting of yours, I am sure your friends would be so far from accusing your passion, that they would encourage it as much and share it as deeply as they could: but alas! the eternal laws of the creation extinguish all such hopes," &c.

Nor was this celebrated author deficient at times in elevation and energy of diction. In his

Essay "Of Heroic Virtue," speaking of the ancient Goths, he tells us that, conformable to the opinions entertained by that people, "all who gave themselves to warlike actions and enterprizes, to the conquest of their neighbours, and slaughter of enemies, and died in battle or of violent deaths, went immediately to the vast hall or palace of Odin, where they were entertained in perpetual feasts of mirth, carousing every man in bowls made of the skulls of the enemies they had slain, according to which every one in these mansions of pleasure was the most honored and the best entertained."

And in farther describing this formidable nation he says, "Their bodies were hard and strong; their minds rough and fierce; their numbers infinite: but besides these advantages, their courage was undaunted, their business was war, their pleasures were dangers, their very sports were martial. Their disputes and processes were decided by arms; they feared nothing but too long life, decays of age, and a natural or slothful death."

Upon the whole, Sir William Temple must be regarded as one of the great improvers of our language; and his literary defects result not from any deficiency of talents, but from the want of better and juster models, the general imperfection of the national taste, and the arts of literary

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rary refinement. But a far higher praise than this may Sir William Temple justly claim. He was one of the wisest, the most candid and disinterested statesmen of the age in which he lived: and he was able without affectation or ostentation, in the calm and radiant evening of his life, to say, "Among many great employments that have fallen to my share, I have never asked or sought for any one of them; but often endeavored to escape from them into the ease and freedom of a private scene, where a man may go his own way, and his own pace, in the common paths or circles of life."

As the result of the whole we may venture to conclude, that beauty of style, or the art of composition, depending upon a certain occult quality in language, or rather an inexplicable delicacy of perception and vigour of intellect, is not to be acquired by rules; although rules are not to be therefore rejected as superfluous or useless. An author who writes by rule, as has been observed, will undoubtedly avoid gross errors; but he cannot by the mere observance of rules attain to positive beauties. Nothing short of true original genius, improved and cultivated by a correct taste, can ever hope successfully to attempt that bold and glowing style of composition which we so much admire in the productions of the great masters of eloquence.

"The

“The thoughts that breathe, and words that burp,” do not fall to the lot of ordinary writers, and it shews a great defect of judgment generally speaking to aspire to them. Are then persons of this class to sit down in despair of ever being able to express their sentiments with ease, propriety and elegance? By no means. We have innumerable examples of such as, by care and attention alone, have in this respect excelled many of far superior genius, who unhappily despised and depreciated this study, as paying that regard to words which is due only to things. All that it is proper to contend for is this; that though a style which merits approbation may be acquired by diligence, a style which commands admiration cannot. Men should be cautious, therefore, of aiming at the higher graces of composition, *according to the too prevailing fashion of the age*, when by limiting their views to purity, perspicuity and simplicity, they might with much less effort appear in a light far more respectable. An acquaintance with the rules of composition is no doubt of indispensable importance; but after all, the best method of acquiring a taste for the beauties of style and language, is by an attentive and repeated perusal of the best authors, by a careful comparison of the productions of different writers, and by imitating in our own performances the style and manner of those admired

mired masters of composition, so far as they are properly imitable by those who do not possess their superiority of parts and genius.

Experience fully evinces, that it is very possible for a man to possess an elegant and classical taste with respect to the beauties of stile and composition in one language, and to be utterly destitute of it in another. A clear proof how much the decisions of taste depend upon the faculty of association. One can scarcely imagine that if Ogilby, Hobbes and Chapman, had not derived a sensible pleasure from the poems of Homer, or Milbourne and Trapp from those of Virgil, that they would have engaged in the laborious task of translating those divine authors. And it is well known that a very general taste for the beauties of the ancients prevailed long before the moderns had learned to express their ideas in their vernacular languages with grace or propriety. And indeed the languages themselves were most unjustly held in contempt, as little better than barbarous jargon, and supposed to be wholly undeserving of attention, and incapable of improvement. This prejudice is, however, greatly on the decline; and it is generally allowed, that divers of the modern tongues may justly pretend to a rivalry with the admired languages of antiquity. The English language in particular is sufficiently copious to express all
our

our ideas with great force and elegance; and with an accuracy and precision to which the Latin tongue is a stranger. Its genius seems to resemble that of the people by whom it is spoken. The great characteristics of it are strength and energy; but it is very susceptible of the gentler graces. There is a softness, sweetness, and delicacy of style, to which several of our favorite writers, both in poetry and prose, have attained, which sufficiently rescue it from the reproach of harshness or dissonance. There is, moreover, a boldness and freedom in the idiom of our native tongue, which admits of the adoption of new terms and combinations of words, in a degree which perhaps no other is capable of. And the admirable powers and properties of the English language, as displayed in the whole extent of versification, are such as to merit a distinct and specific investigation.

VERSIFICATION may properly be considered as the style of poetry; or the art of composition in metre: and though the taste, or mental perception of beauty or deformity, is, in this case, affected by still more lively emotions of disgust or admiration than prose has power to excite, the ultimate causes of those emotions are enveloped in exactly the same degree of darkness.

It

It is indeed perhaps somewhat more easy to lay down rules or reasons, by which we are supposed to be influenced, in forming our judgments respecting the beauty of stile in poetry than in prose. The "Canons of Criticism," for instance, inform us, 1st, That versification, in order to please, must be smooth and harmonious, exact without stiffness, and easy without negligence. 2^{dly}, That uniformity should be blended with variety; and while the first is observed, in adhering to the same precise number of poetical feet in each verse or stanza, the latter should be studied in the pauses, cadences, and accents. 3^{dly}, That the sound should, as far as possible, be made to coincide with the sense; from which coincidence arises what is called imitative harmony; and in general, that the emotion excited by the tone of the verse, should accord with the emotion excited by the sentiment expressed or the object described. It were not difficult to add a multiplicity of rules of the same kind, exemplifying them by an induction of particular passages, and expatiating learnedly upon each; or it were equally easy to quote passages without end, and to point out beauties without number; and to support our opinion by a reference to the same rules, which would in that case be converted into reasons. But it is to be feared that no great addition is

made to real knowledge by this sort of information. For either the rules themselves are liable to suspicion, as not sufficiently confirmed by fact and experience, or if they are universally received as true, it is not the less difficult to demonstrate that they have their origin and foundation in reason.

The end of poetry is to please; and it is by an appeal to taste, and not to reason, that the question must be decided whether that end be actually attained. To decrie all rules of poetical composition as impertinent or useless, would nevertheless be running into a very absurd extreme. As there is a certain degree of uniformity in our mental feelings and perceptions, there is a real foundation for that uniformity; and it is both entertaining and instructive, by any fair process of induction, to point out the immediate, though we cannot trace the ultimate causes of those uniform emotions of disgust or admiration; which is in effect to point out the means of avoiding or exciting them. Or, in other words, it is to establish certain fixed rules of composition upon the authority of experience; but the pedantry of appealing to speculative principles in opposition to the decisions of taste, and the vanity of attempting to demonstrate by argument, in defiance of feeling, that men ought or ought not to admire, are equally to be avoided.

The

The affectation of judging in matters of taste, chiefly or solely by rule, is a foible which pervades and discolours a work of great and acknowledged merit and ingenuity—"The Elements of Criticism." Lord Kaims, with great acuteness of understanding, was not remarkable for delicacy of taste; or tremblingly alive to the finer sensibilities of the soul. And the cold and subtle discriminations of the metaphysician, are scarcely compatible with those glowing sympathies which distinguish that high class of critics who have imbibed the genuine spirit of Quintilian and Longinus.

VERSE may be defined as a species of composition, in which the arrangement of words is subject to certain precise rules; and the ear, as Lord Kaims observes, must be appealed to as the proper judge for deciding upon the effect produced by these rules. In short, the essential difference between verse and prose consists in the measure; for if we admit such performances as *Telemaque* or *Fingal* into the class of poems, how is it possible to draw any precise line between these two species of composition. Of all the different kinds of verse known in English poetry, *blank verse* is undoubtedly entitled to be first mentioned, as first in dignity and importance. M. Voltaire has observed, that blank verse is of so loose a texture, that it costs no-

thing but the trouble of writing; upon which account he seems to intend to represent it as scarcely worth the trouble of reading; or as far inferior at least to French heroic verse, which consisting of four regular anapests, and admitting little or no variation of pauses, accents, or arrangement, is consequently of much more difficult construction. But this difficulty surmounted, he pretends is the source of great delight to every reader of taste; a strange criterion indeed by which to judge of the comparative merit of these two kinds of versification. If that mode of composition which is most difficult in itself, be upon that account most pleasing, our greatest poets ought no doubt to have retired into "some peaceful province of Acrostic land."

"There they might wings display, and altars raise,
And torture one poor word ten thousand ways."

It is certainly true, that blank verse is very easy to write; but for this reason it is as certainly the more difficult to excel in writing it. Such blank verse as M. de Voltaire himself has given us a specimen of, is no doubt, to do him justice, truly contemptible. But if M. Voltaire had been competently qualified to criticise upon English poetry, he would have known that the blank verse of Milton and Shakespear is, of all the various

various measures, practised among us, that which is most difficult of imitation. Blank verse has so near an affinity to prose, that it requires the most consummate skill and judgment in the arrangement of the periods, as well as the utmost force and elevation of language to preserve the distinction between them. But when the requisite proportion of skill and genius is exerted, and that degree of perfection attained, which genius conducted by application never fails to reach, the wonderful effects of this species of poetical composition become fully apparent: and we admire the versification of the "Paradise Lost," not because Milton has surmounted great difficulties, for this alone is a very weak foundation of applause; but because he has attained to positive beauties of the most exquisite kind. Doubtless that egregious pedant, who took the trouble to translate the Iliad, and in each of the twenty-four books omitted some one letter of the alphabet, surmounted a difficulty of great magnitude; but is he therefore the subject of our admiration or derision? The truth is, that the conquest of difficulties is never a source of pleasure, at least to men of refinement, except some purpose either of use or beauty is accomplished by it. But when any such purpose is effected, the emotion of wonder excited by the removal of the difficulty, agreeably to the laws of association, blends

itself with the emotion of esteem or admiration excited by the contemplation of utility or beauty: and the complex emotion acquires by this conjunction an high degree of force and vigour. Thus our admiration of the Miltonic versification, which is in itself exquisitely beautiful, is very much heightened by our knowledge of the extreme difficulty of succeeding in that measure: but the difficulty of writing French heroic verse, does not by any analogy induce us to admire the versification of the *Henriade*, which is in itself tame, languid, and monotonous.

If it should now be asked, what are those beauties of which blank verse is susceptible, and for which it is so much celebrated? we may reply in a few words, majesty, melody, and variety. Not even the hexameter of the antients possesses perhaps the property of majesty in an equal degree. The hexameter is no doubt a very noble poetical measure, but it does not seem capable of that long-continued pomp of sound of which we have so many examples in our great poets: and the following verses of Milton will appear in this view to great advantage in the comparison with any equal number of hexameters from the *Æneid*.

— “ The great Creator from his work
Desisting, tho’ unwearied, up return’d;
Up to the heaven of heavens, his high abode,

Thence

Thence to behold this new-created world,
 Th' addition of his empire, how it shewed
 In prospect from his throne—how good, how fair,
 Answering his great idea. Up he rode
 Followed with acclamations, and the sound
 Symphonious of ten thousand harps, that tun'd
 Angelic harmonies. The earth, the air,
 Resounded: thou remember'st, for thou heard'st:
 The heavens and all the constellations rung;
 The planets in their stations listening stood
 While the bright pomp ascended jubilant.
 Open, ye everlasting gates, they sung;
 Open, ye heavens, your living doors; let in
 Your great Creator, from his work return'd
 Magnificent; his six days work, a world."

The monotonous close of the hexameter, though it may be disguised in a great measure for a few lines, by the surprising variety it is capable of in other respects, cannot fail to strike the ear upon frequent repetition; and in the recital of long passages to cause unseasonable interruptions to what Pope styles "the long resounding march and energy divine." To compare blank verse with our own, or with the French heroic couplet, in this respect were wholly superfluous.

But blank verse, in the blank verse of Milton and Shakespeare, is no less remarkable for its melody than its majesty! This property of blank verse arises from the unbounded liberty the poet enjoys of varying his pauses and extending

K k 2

his

Thence

his periods so as to produce the utmost fulness and harmony of cadence : and in this respect it has a manifest advantage over the heroic couplet as well as the hexameter. It would be difficult to find any equal number of hexameters or couplets so melodious or grateful to the ear, as the passage just quoted from Milton. It indeed possesses the three great characteristics of that species of verse in high perfection. Upon the last of those characteristics it is superfluous to expatiate. As opposed to the hexameter measure, and the heroic couplet, its variety evidently arises from its happy exemption from the necessity of an uniform close. For the perpetual recurrence of the dactyl and the spondee is scarcely less fatiguing to the ear, however superior the hexameter may be deemed in other respects, than what Dryden styles the *tinkle* in the close of the couplet.

The English heroic couplet, unable as it is to stand the comparison with blank verse or the hexameter, is nevertheless far from being destitute of force or beauty. It is capable of some variety in its accents, and very great diversity in its pauses. It is lively, vigorous, and animated ; and particularly adapted to gay and airy subjects, of which “ the Rape of the Lock ” is a decisive proof. It seems not to admit of any considerable inversion of language ; but Dryden,
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in numerous instances, has very happily indulged himself in the liberty of running one couplet into another, by which means he has added wonderfully to the spirit, freedom, and energy of his verse. Lord Kaims indeed asserts, that every couplet ought to finish with some close in the sense, assigning as a reason, "that as every couplet must of course conclude with a musical clause, if it is accompanied by a pause in the sense, the coincidence gratifies at the same time the ear and understanding." This remark is just, if applied to a single couplet, but surely it is not necessary to have our ears purged by an archangel *with euphraphy and rue*, to be sensible how much the petty pleasure arising from such coincidence is over-balanced by the additional delight we derive from that variety and animation, which are the result of occasional deviations from this rule. In confutation of this criticism, it is sufficient to cite the initial paragraph of Dryden's well known poem of the Hind and Panther.

A milk-white hind, immortal and unchang'd,
Fed on the lawns, or on the forest rang'd;
Without unspotted, innocent within,
She fear'd no danger, for she knew no sin;
Yet had she oft been chas'd with horns and hounds,
And Scythian shafts; and many winged wounds
Aim'd at her heart; was often forc'd to fly,
And doom'd to death, tho' fated not to die.

K k 3

But

But the fastidious delicacy of Lord Kaims, would not allow the slightest musical pause to intervene between an adjective and substantive, a substantive and verb, or a verb and adverb. Who would suspect the following lines of Pope to be faulty?

In these deep solitudes and awful cells,
Where heavenly-pensive contemplation dwells,
And ever-musing melancholy reigns.

They always however appeared to Lord Kaims exceptionable, on account of the pause interjected between the verb and consequent substantive; and his Lordship, after a great deal of deep thinking, doubtless was at last fortunate enough, as he informs us, to discover a reason in support of his taste. "Between the active substantive and the verb placed in their natural order, there is no difficulty of interjecting a pause, because an active being is not always in motion, and therefore it is easily separable in idea from its action: but when by insertion the verb is placed first, is it *lawful* to separate it by a pause from the active substantive?" To this curious question his Lordship answers positively, "No; because an action is not in idea separable from the agent more than a quality from the subject to which it appertains."

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To pass over these frivolities, it is certain that Pope has weakened the general effect of his poetry very considerably, by adhering too closely to the rule specified by Lord Kaimes, respecting the propriety of concluding every couplet by a pause in the sense, as well as in the music. It has given his versification an air of tameness and uniformity, and in this as well as other characteristics of poetic genius, his inferiority to Dryden is very apparent; though he perhaps more than compensates for this inferiority by the *limæ labor* which appears so conspicuous throughout all his works. Dryden was a writer to the last degree negligent and incorrect. He was also, in many instances, unhappy in the choice of his subjects, and his sentiments are frequently exceptionable, sometimes absurd and extravagant. Pope was, as an elegant critic (Dr. Warton) has styled him, "the Poet of Reason," and in perusing his productions the understanding is improved, while the imagination is delighted. But still it must be allowed, that the sacred mantle which descended from Shakespeare to Milton, and which Dryden after them wore with dignity, cannot be adjudged without some hesitation to Pope.

Next to blank verse and the heroic couplet, the elegiac stanza seems to possess the greatest share of importance and popularity. It has a

kind of plaintive flow, which renders it peculiarly suitable to tender and melancholy subjects. Hammond and Shenstone, and above all Gray, have been particularly successful in this species of versification. In the last century, this stanza was very erroneously considered as superior in dignity to the heroic couplet; and it was accordingly adopted by Sir William D'Avenant, in his Epic poem of *GONDIBERT*, and by Dryden in his "*Annus Mirabilis*," and in other compositions of the same cast.

The Spenserian stanza must be allowed to exhibit a certain air of stateliness, and it is not deficient in force or harmony, but it soon palls upon the ear by its uniformity. There seems to be a sort of analogy, remote and somewhat fanciful indeed, between the stanza of Spenser and the subject of his poem, sufficient however to prevent our regretting the choice he has made; a kind of stiff, formal, and obsolete magnificence seems to predominate in both. This difficult stanza has been very happily revived by some modern writers, particularly by Thomson in his *Castle of Indolence*, and by Dr. Beattie in the first book of the *Minstrel*.

It is rather singular that the French heroic couplet, consisting of four anapests, should never be used amongst us but on subjects of mirth and gaiety, and with the utmost propriety. What can
be

be deemed, for instance, more perfect in its kind than the versification of the Bath guide? But surely no admirer of that exquisite *jeu d'esprit* will deny that the first couplet of the *Henriade*,

“ Je chante ce héros qui regna sur la France,
Et par droit de conquête, et par droit de naissance,”

is as little adapted to the majesty of the *Epopœia* as,

“ But what with my Nivernois hat can compare,
My bag-wig and laced ruffles, and black solitaire ?”

The regular Pindarics of Grey and Collins are entitled to an high degree of applause; and notwithstanding the severity of Dr. Johnson's criticism, many irregular efforts of the Pindaric muse may also be read with great pleasure. Exclusive of Dryden's immortal Ode, which far transcends all praise, the *Lycidas* of Milton, Lord Lyttleton's Monody, Shaw's Ode to the Nightingale, and many other productions might be mentioned, which sufficiently demonstrate that regularity of metre is not essential to poetic excellence.

It would not be easy to enumerate all the different kinds of versification in use amongst us. Of those not already specified, perhaps the *Hudibrastic* couplet is most valuable, as admirably calculated for burlesque poetry. Prior, in his

Alma,

Alma, has shewn himself scarcely inferior to Butler in his dextrous management of it.

Though the warmest admirers of Pope have never exalted him to the rank of the greatest poet, he has often been stiled the best versifier in the English language. If by the best is only meant the most polished and correct versifier, it is not difficult to acquiesce in the panegyric. But if his mode of versification is stiled the best, as affording the highest degree of delight, it can by no means be allowed. In this respect Shakespeare, Milton, and Dryden, all rank much above him. Pope does not sufficiently conceal his art; he wants simplicity. The flow of his verse, though very harmonious, is seldom tender and pathetic, and still less frequently lofty and majestic. In his translation of the *Iliad*, however, he rises to very sublime heights. It is a wonderful performance, far superior no doubt to the *Æneid* of Dryden, or probably to any other translation that ever appeared in the world. By comparing a few parallel passages transcribed from the version of Pope, and the wretched doggrel of Hobbes, the pleasure of contrast may be enjoyed in perfection, and the reader may contemplate at once the extremes of poetic elegance and meanness.

BOOK I. Ως ἔφατ' ὑκόμενος τῷ δ' ἔκλυε Φοῖβος Ἀπόλλων, &c.

His * prayer was granted by the Deity,
Who with his silver bow and arrows keen,
Descended from Olympus silently,
In likeness of the sable night unseen.
His bow and quiver both behind him hang;
The arrows chink as often as he jogs,
And as he shot, the bow was heard to twang, &c.

HOBBS.

Thus Chryses pray'd—the favoring power attends,
And from Olympus' lofty tops descends;
Bent was his bow the Grecian hearts to wound,
Fierce as he mov'd his silver shafts resound;
Breathing revenge a sudden night he spread,
And gloomy darkness roll'd around his head.
The fleet in view he twang'd his deadly blow, &c.

POPE.

Id. Πατρόκλος δὲ φίλῳ ἐπιπυθὶθ' ἵσταίῳ, &c. &c.

This, said Patroclus, led Briseis forth,
And to Atrides' messengers her gave,
She with them went, though much against her heart,
Achilles from his friends went off and pray'd;
And sitting with his face to th' sea apart,
Weeping unto his mother Thetis, said, &c.

HOBBS.

Patroclus now, th' unwilling beauty brought,
She in soft sorrows and in pensive thought
Past silent, as the heralds held her hand,
And oft look'd back, slow moving o'er the strand.

Not

* Chryses.

Not so his loss the fierce Achilles bore,
 But sad retiring to the sounding shore,
 O'er the wild margin of the deep he hung,
 That kindred deep from whence his mother sprung;
 There bathed in tears of anger and disdain,
 Thus loud lamented to the stormy main.

POPE.

Id. Ημεος δ' ηελιος κατεδυ, και επι κρηρας ηλθε, &c. &c.

But when the sun had borne away his light,
 Upon the sands they laid them down to sleep;
 And when again Aurora came in sight,
 Again they launch their ship into the deep.
 A good fore-wind Apollo with them sent;
 Then with her breast the ship the water tore,
 Which by her down on both sides roaring went,
 And soon arrived at the Trojan shore.

HOBBS.

'Twas night; the chiefs beside the vessel lie,
 Till rosy morn had purpled o'er the sky;
 Then launch and hoist the mast; indulgent gales,
 Supplied by Phæbus, fill the swelling sails,
 The milk-white canvas bellying as they blow,
 The parted ocean foams and roars below.
 Above the bounding billows swift they flew,
 Till now the Grecian camp appear'd in view.

POPE.

But quotation must not be farther extended,
 while names of conspicuous merit, on the rolls
 of poetic fame, still claim their share of atten-
 tion.

Had Cowley's judgment borne any proportion
 to his genius, he would unquestionably have
 been

been entitled to a very high rank in the public estimation, which indeed, while the public judgment was as yet immature, he actually enjoyed. In the present improved state of versification, we have few productions of the English muse more soft, more gay, more airy, than his Anacreontics, his Acme and Septimius, and his Chronicle. On the other hand, in the pathetic and plaintive stile, few pieces exhibit a more mournful flow of numbers than his Elegy on Harvey, the poem stiled the Complaint, and some others. He knew how to express as well as feel the most tender, as well as the most lively emotions of the soul.

“Forgot his Epic, nay Pindaric art,
Yet still we love the language of his heart.”

Waller must be regarded as greatly inferior to Cowley in genius; but he possessed a more correct taste and truer judgment. His versification, when compared with that of the majority of his predecessors, is eminently smooth and harmonious; and he contributed much to polish and refine the elegant art which he cultivated.

Thomson's celebrated poem, *The Seasons*, enjoys a reputation at least equal to its merit. As Pope has been called the Poet of Reason, Thomson may with equal justice be stiled the Poet of Nature. He surveyed her various

scenes with a curious and attentive eye, and he describes them with warmth, accuracy and fidelity; and in this the real excellence of his work consists. When Thomson is not describing or moralizing, he is no poet. When he aims at elevation, he is always turgid; when he wishes to be splendid, he is only gaudy.

“ From brightening fields of ether fair disclos’d,
 Child of the sun, refulgent summer comes
 In pride of youth, and felt thro’ nature’s depth.
 He comes, attended by the sultry hours
 And ever fanning breezes on his way;
 While from his ardent look the turning spring
 Averts her blushing face.

Such mechanical poetry as this is calculated merely for grown children. The tales he interweaves are very indifferently narrated. His diction is either artificially strained or disgustingly familiar; and his versification is such, that for twenty or thirty lines together it is frequently difficult to distinguish it from prose. In a word, it is a poem in which description too much holds the place of sense. Nevertheless it is upon the whole a pleasing and justly popular performance; and such it will continue to be while any relish shall remain of the beauties of nature, the charms of poetry, or the sympathies of affection. His life was blameless as his song, and the tomb

of Thomson has been consecrated by the tears of friendship and genius—

“ Remembrance oft shall haunt the shore,
While Thames with summer wreaths is drest,
And oft suspend the dashing oar
To bid his gentle spirit rest.”

COLLINS.

His poem entitled *Liberty* contains many striking passages, and abounds in high and lofty sentiments; but it is unhappily extended to a length insufferably tedious. The smaller pieces merit little attention, the “ *Castle of Indolence*” excepted, which is indeed a noble effort of imagination, and claims a distinguished rank in English poetry as a very elegant and beautiful allegory.

Young’s *Night Thoughts* may not improperly be considered as a good poetical contrast to Thomson’s *Seasons*. One delighted as much to exhibit the gloomy, as the other the cheerful face of things. Young’s genius was without doubt of a rank much superior to that of Thomson. He possessed, as Addison says of Lee, true poetic fire, though obscured by thick volumes of smoke. In the article of sublimity, the only one in which a comparison can be instituted, the *Night Thoughts* may vie with the *Paradise Lost* itself. In their different descriptions of a comet, for instance, the inferiority of Young is not at all discernible—

Incens’d

" Incens'd with indignation Satan stood
 Unterrified ; and like a comet burn'd,
 That fires the length of Ophiucus huge
 In th' Artic sky ; and from his horrid hair
 Shakes pestilence and war."

MILTON, P. L. Book II.

" Haft thou not seen the comet's flaming flight ?
 Th' illustrious stranger passing terror sheds
 On gazing nations from his fiery train
 Of length enormous ; takes his ample round
 Thro' depths of ether ; coasts unnumber'd worlds
 Of more than solar glory ; doubles wide
 Heaven's mighty Cape ; and then revisits earth
 From the long travel of a thousand years."

YOUNG, N. T. IV.

The general character of Young's versification is that of harshness and ruggedness, though many passages may be produced as exceptions. The earlier poetical compositions of Young possess little claim to admiration ; it is to a work begun after he was sixty years of age, when, if we will give any credit to his own declaration,

" He long had buried what gives life to live,
 Firmness of nerve and energy of thought"—

that he derives and will continue to derive his reputation ; for certainly such poems as the *Last Day* and the *Paraphrase on Job*, or even his *Satires* and *Tragedies*, could never entitle him to a permanent mansion in the *Temple of Fame*.

A cele-

A celebrated Poetess of our own times, Mrs. Barbauld, in the elegant miscellaneous collection with which she has favored the world, has exhibited the most beautiful examples of versification, happily diversified and accommodated to the greatest variety of subjects that are to be met with in any contemporary author. In the poem titled *Corfica*, her blank verse makes a very near approach to the Miltonic majesty, and the *Summer Evening Meditation* is in the best manner of Young. *Delia* breathes the very soul of *Hammond*; and the *Address to Wisdom* is written in the true spirit of *Prior*. The poem on the *Origin of Song Writing* might have done honor to *Waller*, and the *Ode to Spring* is entitled at least to "divide the crown" with *Collins's* exquisite *Ode to Evening*.

ESSAY XXXIV.

ON EPIC POETRY.

M. DE BALSAC, speaking of those who affect a dislike or contempt of cheerful amusements, or works of literature professedly designed for entertainment, very happily says, “ Si pareilles gens avoient la direction du monde, ils voudroient oter le printemps & la jeunesse, l’un de l’année l’autre de la vie.” Of all the various inventions of literature, whose sole or principal object is to please, poetry stands undoubtedly most conspicuous; and a man who disdains to be pleased with that which is in its own nature calculated to give pleasure, is by no means so wise as he affects to be thought. It must indeed be acknowledged, that different kinds of poetry are adapted to different periods of life. And however we may be charmed in early youth with those gay and fanciful productions of the muse, in which description holds the place of sense, a time will certainly arrive when we shall be no longer delighted to hear of painted meadows or of purling streams. To wander in the regions of Arcadia, and listen to the

the warbling of birds, or the dying murmur of a distant water-fall—to the complaints of forsaken nymphs and despairing swains, may amuse for a while, but must in the end prove wearisome and disgusting. When man attains to maturity of judgment, and all the intellectual powers are fully expanded, works addressed exclusively to the imagination cease to please; and though in search merely of entertainment, he requires not only the imagination to be gratified, but the passions to be moved, and the understanding to be enlightened.

In the art of poetry these ends are most effectually attained by the epic and dramatic forms of composition. Respecting the first of these, which professes to rehearse some great and memorable action, and to adorn and dignify the narration by all the graces and embellishments of the poetic art, it is the purpose of this Essay to offer a few general observations, and to illustrate them by some critical remarks on those writers who have, by universal consent, been allowed most eminently to excel in this highest and most difficult branch of poetic composition.

HOMER, the great father of Epic poetry, by the mere force of natural genius, and without any previous knowledge, as is probable, of the laws of criticism, composed a poem which has been the delight and admiration of every suc-

ceeding age. And Aristotle deservedly acquired the praise of profound sagacity and penetration, by tracing, and clearly developing, from the most accurate and attentive examination of this great work, the causes of this general admiration. When those causes were ascertained, it was an easy task to deduce certain fixed rules of Epic composition, by the observance of which succeeding poets would be able to construct their works on the solid basis of good sense and experience; and thus to acquire, as the just reward of their labors, a solid and lasting fame. The system of Aristotle therefore is not an ingenious and fine-spun theory, to which facts were afterwards to be accommodated, but it is, as all just and rational criticism must be, a developement of principles by a philosophical illustration of facts already ascertained and established; or, in other words, it is to trace the unknown causes of certain known effects.

THIS ORACLE of CRITICISM observes, that "an action, to be the proper subject of an Epic poem, must be one great and entire. What I mean by entire," says he, "is comprehending in itself a beginning, a middle, and an end. A beginning is that which does not itself necessarily follow any other event, but to which other events naturally succeed. An end is just the contrary; for it is that which either of necessity,

or

or according to the general course of things, must follow some other event, but requires nothing after it. A middle requires other circumstances both to precede and follow it. The Epopee differs essentially from history, inasmuch as the history of a particular period includes the events which happened within that period, whether they relate to one or more persons, or conduce to the same or different ends. The object of the poet is not to relate what has actually happened, but what may possibly happen either with probability or from necessity. The difference between the poet and the historian does not arise merely from one writing in verse and the other in prose; for if the work of Herodotus were put into verse, it would be no less a history than it is in prose. But they differ in this; that one relates what has actually been done, the other what may be done. Poetry therefore is more philosophical and instructive than history. Poetry speaks more of general things, history of particular. From these principles it is clear that the denomination ΠΟΙΗΤΗΣ, poet or maker, is rather derived from the composition of the fable than the verse, because the imitation constitutes the poet; which imitation must be of an action. Even if he writes on real actions, he may yet be a poet; since there is no reason why many real facts may not be capable of that artful disposi-

tion and happiness of arrangement, in regard to which he may justly be esteemed a poet.

It is not enough to preserve the strictest unity of action, if the action be long, or complicated, or tedious. Homer did not attempt to describe the whole Trojan war; for either it would have been so much extended as not to have been easily comprehended in one view; or if contracted, it would have been confused from the multiplicity of incidents. Fixing therefore upon the most interesting period of the war, he artfully introduces whatever is necessary to the embellishment or elucidation of his fable in different episodes. And though the general plan ought to be simple and perspicuous, yet does this simplicity by no means exclude variety; a *peripetia*, or revolution of fortune, being essential to the excellence of the fable. Nor does it reject the surprise occasioned by any interesting or unexpected discovery. No agent should be introduced into the poem without characteristic manners; and the Epopee may even frequently assume a dramatic form. The poet should appear as little as possible in his own person; for when he himself speaks, the imitation, in which the deception consists, is suspended. In this respect the conduct of Homer is excellent and admirable. In the delineation of character it may be proper, as in the paintings of Zeuxis, to give

examples of perfection not to be found in real life. But in regard to the preservation or consistency of character, the highest attention must be invariably paid to the truth and exactitude of the imitation. Even if an inconsistent person is drawn, the character so imitated should be consistently inconsistent. The language and sentiments should be simple, and not obscured by too splendid a diction. The perfection of language consists in its being perspicuous without meanness. This simplicity, however, is not incompatible with dignity and elevation. The language of poetry may be raised above the vulgar idiom by the use of uncommon expressions; and even of compound, of foreign, and antiquated terms happily applied: of inversions; of ornamented phrases; and especially of metaphors; the artful and judicious introduction of which, is itself a proof and criterion of true genius. Though wonder may with propriety and effect be excited by tragedy, yet Epic poetry is the more proper province of the marvellous, because events are in the latter merely related, and not represented; and the marvellous is always pleasing if consistent with propriety and credibility. But the incidents, however wonderful, numerous, or diversified, must arise out of the fable itself; and appear the necessary or probable consequence of what happened before: for

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there is a wide difference between one event happening in consequence of another, or only following it. Necessity and probability should also, as is evident, be as much considered in the manners as in the action. For it is as material to enquire, whether it is necessary or probable for such a man to say or do such things, as whether it is necessary or probable for such an event to follow another. LASTLY, the *Epopée* is not limited as to duration, but may be extended to any period consonant to the general laws by which the whole is regulated.

This is a concise and faithful summary of the famous Critique of Aristotle, so far as it relates to the *Epopée*. Nor have the modern critics been able to make any important additions to this comprehensive sketch of the properties requisite to the formation of a perfect Epic poem. Bossu has indeed insisted, with singular absurdity, that a moral is not only essential to the *Epopée*, but that the poet ought first to select some general axiom, or speculative principle, which it may be proper to enforce, and then to invent his fable for the sole purpose of illustrating it. It would indeed be strange, if no general or interesting truth could be deduced from the narration of a great and memorable event: but to make the poem a mere vehicle for the communication of it, is to confound the plan of the *Epopée*, and

to degrade it to a level with that of a fable of Æsop. The Epopee is fraught with instruction throughout; and by displaying human nature in momentous, important, and interesting situations, must furnish ample scope for moral reflection and intellectual improvement.

It has been also maintained that a hero is a necessary appendage to an Epic poem. "On peut définir le poeme Epique," says a celebrated French critic, "une fable racontée par un poëte pour exciter l'admiration, & inspirer l'amour de la vertu en nous représentant l'action d'un héros favorable du ciel, qui execute un grand dessein en triomphant de tous les obstacles qui s'y oppose." This, however, is an arbitrary and contracted definition no where countenanced by Aristotle, or founded in the reason and nature of things. Certainly no great or memorable action can take place without the instrumentality of great and memorable actors; and amongst those actors, one will perhaps usually be more conspicuous than the rest. But this is by no means indispensably necessary; and to exclude the *Paradise Lost* of Milton from the class of Epic poems, in consequence of this impertinent criticism, would be as absurd as to deny to a Republic the rank and dignity of a nation, because it has no Monarch.

A third law has also been added to the code of Aristotle, which is, that the aid of machinery, as
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it is stiled, on the operation and influence of supernatural agents, is indispensably necessary to the very existence of Epic poetry. "The Pagan gods and Gothic fairies," says the ingenious author of *Letters on Chivalry and Romance*, "were equally out of credit when Milton wrote. He did well, therefore, to supply their room with angels and devils. Without admiration, which cannot be effected but by the marvellous of celestial intervention, I mean the agency of superior natures really existing, or by the illusion of the fancy taken to be so, no Epic poem can be long-lived. The pomp of verse, the energy of description, and even the finest moral paintings, not being of themselves of sufficient efficacy to rescue the poet from oblivion." Aristotle indeed affirms, that the marvellous may be introduced with the highest effect into Epic poetry; but human as well as divine agency may doubtless, under the direction of genius and judgment, be made productive of the marvellous without forsaking the probable. It cannot however be denied, that the most celebrated Epic poets have uniformly called in the aid of supernatural agency with great success and advantage; and that it is not easy to conceive of an Epic poem destitute of machinery, which should not appear comparatively tame and spiritless. And the Gondibert of Sir William D'Avenant may rather perhaps
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be adduced as a confirmation of this observation, than an exception to it.

Rejecting, however, the authority of all rules but those originally promulgated by the Stagyræite himself, rules founded on the basis of reason, and sanctioned by the prescription of ages, it must be allowed that a work constructed in perfect conformity to them, must be worthy not only of regard and attention, but of the highest admiration, as manifestly requiring, in order to its accomplishment, the most noble and ardent efforts of the human faculties. Vast extent of knowledge is necessary, as a primary qualification, to enable the poet to treat the numerous topics incidentally connected with or arising from his main subject, with clearness and precision. He must also possess exquisite feeling and sensibility: "For those," says the great critic, "who are moved by passions themselves, will express those passions most naturally from their own feelings; and he who is affected himself, will best know how to affect others." A cool and impartial judgment must accompany this warmth of passion, which will else precipitate the poet into absurdity and extravagance. Justness of taste, and fertility of invention, must supply him with beauty of language and variety of imagery and of incident. And lastly, the flame of genius must invigorate and pervade the whole; that celestial
flame

flame which, in the breast of a true poet, is inextinguishable as the hallowed fire upon the altar of VESTA. It is not to be imagined that any human production will endure the criterion of so severe a test. Nevertheless, various poets, of different ages and countries, have made such an approximation to this perfection of excellence, as to excite very vivid emotions of delight in the minds of all who are competent to form a judgment of their works ; poets who, by the lustre of their talents have immortalized their names, and to whom is justly paid the willing tribute of universal admiration.

It may now not be improper to subjoin some cursory and general remarks upon the principal excellencies and defects of the most celebrated productions included under the denomination of Epic poetry. And of these works the *ILIAD*, as it is first in place, will perhaps ever remain first in fame. Respecting this wonderful poem, it would be needless and impertinent to repeat what has been so often repeated. To maintain in general that it has imperfections, requires no sagacity ; and to point them out with invidious accuracy, only a small share. But I could never listen to “ The Tale of Troy Divine ” without emotions more powerful than those excited by any other poet. For energy of genius and vigour of invention, for force and beauty of language, for
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grandeur of design, and for strength and variety of character, he remains without a competitor, or at least without an equal.

Of the *ENEID* also, it may be in a few words remarked, that the excellence of the poet consists not in the invention or general fabric of the poem; for what is there which he has not borrowed from Homer, the Episode of Dido excepted, for which he is indebted to Apollonius Rhodius? Not in the display of character; for in comparison of his great predecessor, he has drawn only faint and feeble sketches; not in that glowing and impetuous enthusiasm which is the first and most decisive characteristic of genius, but in the skill and judgment with which he has combined the various incidents of his fable, the exquisite art with which he has made them subservient to his main design, to soothe and flatter the pride and prejudices of his countrymen, and in the propriety and tenderness of his sentiments, the dignity and harmony of his language, and the inexplicable charm of his versification. The second and fourth books in particular are finished by the hand of a master, and display the highest excellencies of the poetic art, as well as the most intimate knowledge of the human mind. The character of *Æneas*, however, certainly makes an impression very different from that which the poet intended: his conduct with respect to Dido, notwithstanding

notwithstanding the pains employed in his exculpation, appears mean, treacherous, and ungrateful; and fully justifies the resentment discovered by her disdainful silence at their subsequent meeting in the Elysian shades. In the concluding books of the poem our hopes and fears are, as has been very justly remarked by M. Voltaire, engaged on the part of Turnus. And if upon the whole we cannot perfectly agree with St. Evremond, that Virgil's hero is better qualified to be the founder of an order of monks, than of an empire; at least the observation of St. Real must be acknowledged just—"On trouve que son heros n'est pas assez heros."

LUCAN is entitled to a very honorable rank in the catalogue of Epic poets. He possessed true original genius; but it may be questioned whether he did not materially err in the choice of his subject: for though, as the great critic observes, it is not necessary that the subject of an Epic poem should be altogether fictitious, yet the proximity of time, and the notoriety of the events, left him no scope for the exercise of invention; and by adhering closely to the truth of history, he often incurs the risque of being censured as jejune and flat. He has made little use of machinery; and the Pharsalia affords a sufficient proof, that however it may heighten the effect, it is not essential to the existence or to
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the success of Epic poetry. When he had once determined upon the subject, he shewed true judgment in discarding that supernatural agency which would have thrown an air of burlesque over it: "Quel rôle," says M. Voltaire, "Cæsar joueroit-il dans la plaine de Pharsale, si Iris venoit lui apporter son épée, ou si Venus descendoit dans un nuage d'or à son secours?" In simplicity, in elegance, and in dignity, he is far inferior to the Mantuan, and though his sentiments are frequently noble and elevated, he was not sufficiently attentive to the Horatian precept—

"Quicquid præcipies, esto brevis, ut citò dicta
Percipiant animi dociles, teneantque fideles."

After an interval of thirteen centuries arose TRISSINO, who deserves mention only as the reviver of Epic poetry in modern ages. His subject is the deliverance of Italy from the Goths, in the reign of Justinian. His plan, by the universal acknowledgment of the critics, is strictly regular; but his poetry is feeble and spiritless: nevertheless the work succeeded, and this dawn of good taste continued to shine, though faintly, till it was absorbed in the meridian splendor of that day which gave birth to the Jerusalem of TASSO. This is a work which may, without prejudice or partiality, be placed in competition with the Iliad and the Eneid: and it is surely sufficient

ficient praise, that it holds the balance of critical justice for some time suspended, though it must perhaps ultimately preponderate in favor of antiquity. The subject of this poem is eminently happy: the recovery of Jerusalem from the hands of the Infidels is an event of great poetical dignity and importance, being intimately associated with a variety of interesting and elevated emotions, which perfectly accord with the genius and spirit of Epic composition, casting a certain religious awe—a sort of divine radiance around it. While we muse, we catch the sacred enthusiasm; we glow with a romantic ardor; we are transported in poetic vision to the banks of Jordan; we view the Christian armies marshalled in proud array; we regard, with rapturous admiration, the heroes under whose banners they have victoriously fought; we envy them their feelings; we emulate their zeal, and kindle into impatience while we recite their exploits—

“ To bear the radiant red-cross shield,
Mid the bold peers in Salem’s field.”

Here is also a much more elaborate and successful display of character than we find in the *Eneid*. M. de Voltaire scruples not in this respect to pronounce the Jerusalem superior even to the *Iliad*. “ Ses heros ont tous des caracteres differens comme ceux de l’*Iliad* : mais ses caracteres,

teres sont mieux annoncés plus fortement décrits, & infiniment mieux soutenus. Il a peint ce qu'Homere crayonnoit." Few perhaps will subscribe to this opinion; but had Tasso been the antient, and Homer the modern, the decision would appear much less erroneous. The truth is, that of the heroes of Homer, who are doubtless discriminated by the old Bard with great skill and judgment, we elsewhere hear so much, that the original impression is continually, though imperceptibly strengthened by the recurrence of the same ideas drawn from the same fountain. But of the personages introduced by Tasso into the Jerusalem, we know nothing but from the Jerusalem. The original impression therefore, though equally powerful, not receiving the same external and adventitious aid, remains comparatively faint and feeble. The machinery of Tasso is, to speak in general terms, at once daring and judicious, though it is perhaps employed with too little reserve, and upon occasions too trivial—*nec dignus vindice nodus*. The arts of enchantment are still sufficiently consonant to popular belief, to make a powerful impression upon the imagination; and they coalesce with the Christian system so far as is requisite for the purposes of poetry. But the enchantment of Tasso borders upon the extravaganza, and resembles too closely that of the Fairy Tales. It is too far removed

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from the limits of probability, and not unfrequently more nearly allied to the ludicrous than to the grand, the awful, and the terrible. Had Tasso possessed the sublimity of Milton, his machinery would have produced a wonderful effect; but sublimity is not the characteristic of the Jerusalem. It is perhaps to the puerile and incredible fictions with which this poem abounds, that Boileau principally alludes when he speaks of the *clinquant du Tasse*; at least it is a term unjust and inapplicable in any other view. In this vulnerable part only can the shaft of the satirist find an entrance; and the plea of the poet that his machinery is merely allegorical, must be pronounced inadmissible: *first*, because the justness of the allegorical sense, which in an Epic poem is only the secondary or subordinate sense, cannot be urged in vindication of the absurdity of the literal or primary sense; and *secondly*, because this pretended allegorical sense lies so very deep, that the skill of an Œdipus is necessary in order to fathom it.

The literary world is much indebted to Mr. Hoole for his elegant version of this poem. With great generosity, however, he acknowledges the superior merit of that of Mr. Brooke, "which," says he, "is at once so harmonious and so spirited, that an entire translation of Tasso by him would not only have rendered my task unnecessary,

necessary, but have discouraged those from the attempt whose poetical abilities are much superior to mine." As Mr. Brooke's version, which extends unfortunately to the three first books only, is not very generally known, it may not be unacceptable to select from it a few passages in corroboration of Mr. Hoole's liberal encomium.

BOOK I.—Line 310.

" Say thou, my soul, with gifts divinely blest,
And all thy treasures of a conscious breast,
What chiefs conspicuous then adorn'd the plain,
Their antient glory and attending train ?
So may'st thou recollect the spoils of age,
And from oblivion snatch the future page.
To thee old Time shall every trophy yield,
And all the pristine honours of the field,
Transplanted fair on each immortal line,
And every ear in every age be thine."

It is scarcely necessary to say, that the following lines describe the first interview of Tancred and Clorinda.

BOOK I.—Line 424.

" Where a cool stream beneath the whisp'ring shade,
With pendant flowers and quiv'ring poplars play'd,
Thither he turn'd ; but with unwary thought,
Soon lost the sweets of that repose he sought.
By the clear stream unlook'd for perils lay,
In all the charms of virgin beauty gay :
Her body arm'd with Amazonian grace,
But obvious all the dangers of her face.

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His captive step the warrior stopp'd, amaz'd,
 Sigh'd as he look'd, and trembled while he gaz'd.
 His eyes ran o'er the maid with hasty art,
 Thence drew her form, and fix'd it in his heart."

Alete's Ambassador from the Soldan of Egypt,
 thus eloquently apostrophizes GODFREY, the
 leader of the Christian armies.

BOOK II.—Line 596.

" Transcendant chief! whose memorable page,
 Shall send a tale to every future age—
 Soared to the zenith of a cloudless day,
 Thy fortune culminates her warmest ray:
 Her next advance the western steep invites,
 Prone she descends, and suddenly benights.
 Ah! think, great chief! the dangerous venture shun,
 Where all thy deeds may be at once undone;
 Did zeal exhibit no intemperate dream,
 Nor clouds of wrath eclipse thy reasoning beam,
 How just, how different would the scene arise,
 Nor hope, but apprehension meet thine eyes!
 Will fortune, false as the alternate sea,
 For thee perpetual flow, alone for thee?
 High the ascent her hourly favorites know,
 But steep the precipice that sinks below."

The emotions of the Christian army at the first
 view of the city of Jerusalem, are thus exquisi-
 tely pictured.

BOOK III.—Line 39.

" To the first hurry of that wild delight,
 When Salem rose transporting to the fight,
 Contrition soon with reverent check succeeds,
 With dulcet anguish every bosom bleeds:
 Their humble eyes all trembling they with-hold,
 From walls too dear, too awful to behold.

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Soft is their step along the sacred ground,
And hoarse and deep the murmuring accents found :
Of boastful trim their arms they all divest,
And all unplum'd is every bending crest ;
Timid their voice, and sweet their whispering woe,
Short breathe their sighs, and fast their tears o'er-flow."

I reluctantly close this series of quotations with
Erminias' animated description of Rinaldo.

" Behold, she cried, behold RINALDO there !
Than man more valiant, more than woman fair !
Whose fame is full e'er promise could presage,
And shames in infancy the toils of age.
His arm more forceful than an engine falls,
And threats more ruin to these tottering walls.
Had Europe sent six champions to the field,
Six youths like this could ample Europe yield,
The world were conquered to the southern pole ;
Beneath their yoke should India's Ganges roll ;
In chains all Niger's tawny Kings should tread,
And Nile in vain would hide his sacred head."

CAMOENS, the glory of Portugal, flourished
nearly at the same period with Tasso ; and of the
extraordinary talent of his illustrious contempo-
rary the Italian poet appears to have been perfect-
ly sensible, if we may judge from the beautiful
sonnet which he addressed to him on the subject
of his celebrated poem, the *LUSIAD* — " Vasco *
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* Thus excellently translated by Mr. Mickle.

VASCO, whose bold and happy bowsprit bore
Against the rising morn ; and homeward fraught
Whose sails came westward with the day, and brought

le cui felici, &c." This poem is now well known to the English nation through the medium of the translation of Mr. Mickle, which, in spirit and elegance, may vie with the first productions of the kind in the English language. As a critic, however, he is by no means so successful: that the translator of the *Lusiad* should not only deem highly of the merits of the work himself, but be solicitous to gain the suffrages of his readers, it was natural to expect; but that blind admiration which either cannot, or will not see any fault in a literary performance, can do little credit either to the author or to the annotator. The lively and ingenious, though inaccurate remarks of M. Voltaire on this poem, have drawn from the pen of Mr. Mickle such severity of animadversion and reprehension as is by no means justifiable, when occasioned by a difference in itself ex-

The wealth of India to thy native shore :
 Ne'er did the Greek such length of seas explore,
 The Greek who sorrow to the Cyclop wrought,
 And he who victor with the harpies fought,
 Never such pomp of naval honors wore.

Great as thou art and peerless in renown,
 Yet thou to Camöens ow'st thy noblest fame ;
 Farther than thou didst sail, his deathless song
 Shall bear the dazzling splendor of thy name,
 And under many a sky thy actions crown,
 While Time and Fame together glide along.

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tremely unimportant, and solely affecting a point of taste. Allowing, however, that M. Voltaire stands convicted of all the high crimes and misdemeanors laid to his charge by Mr. Mickle, it is not easy to perceive that they lessen the weight of any of his objections against the *Lusiad*. M. Voltaire admits the *Lusiad* to be a work justly deserving of a distinguished rank in Epic poetry; a work abounding in beauties, and exhibiting also some striking defects. It is, as he affirms, a poem without a plan; the subject of it being simply the discovery of India by the Portuguese, who first of all nations circumnavigated the continent of Africa. The incidents of the poem are consequently deficient in respect to connection, and consist merely of a series of detached adventures little calculated to excite interest or awaken attention, and bearing a remote relation to the final event, which they neither accelerate nor retard. The *Lusiad* therefore wants unity; but a still more formidable objection is, that it wants propriety; for the machinery exhibits a monstrous combination of Christian and Pagan mythology. Vasco de Gama, the hero of the poem, for instance, prays to the God of Israel in a storm, and the Goddess Venus comes to his relief. "But we are told," says M. Voltaire, "that the machinery is allegorical; that Mars is clearly designed to represent Jesus Christ, and

Venus the Virgin Mary. All this may be, says he, but I own I should not have suspected it." Mr. Mickle, however, is not satisfied with eagerly defending the propriety of this allegorical interpretation, and with stating the obvious answer to the objection respecting the unity of the action, that the discovery of India was an event not below the dignity of the Epopeia, and that every attention has been paid by the poet to the unity of action that the nature of the plan admitted or required; but he is determined to re-criminate upon M. Voltaire, and to expose him to the contempt and detestation which he deserves. For it appears too plain to be contradicted, that Voltaire in the first place has shamefully mis-spelt the name of the poet, whom he styles not Camöens, but Camouens. He has moreover intimated, if not absolutely affirmed him to have been a Spaniard; he has called him a witness of the events which he has celebrated, so that the poet must have been near one hundred years of age when he published the *Lusiad*. He tells us that Camöens conducted the Portuguese fleet to the mouth of the Ganges, thus wickedly confounding, perhaps, Calicut on the coast of Malabar, with Calcutta on the coast of Bengal. He speaks disrespectfully of the King of Melinda, styling him "a barbarous African;" whereas Mr. Mickle thinks him to have

have been well acquainted with Homer and Virgil. LASTLY, M. Voltaire is accused of deriving his knowledge of the *Lusiad* from the translation of Fanshawe. But if M. Voltaire was so unfortunate as not to understand Portuguese, and no better translation than Fanshawe's was to be had, why censure or reproach him for the use of it? But however imperfect his knowledge, and however disadvantageously acquired, the careless criticism of Voltaire is, in my opinion, far more valuable than the elaborate and crabbed dissertation of Mr. Mickle.

SPAIN has also an Epic poem, of which she boasts as equal to the *Lusiad* and the *Jerusalem*. The author of this poem, styled the *ARAUCANA*, was DON ALONZO D'ERCILLA. He is said by Mr. Hayley, who has favored the public with a translation of some parts, and an analysis of the whole of this poem, to have written in the true Homeric spirit. However this may be, certain it is he has not adopted the true Homeric plan. The subject of the poem is the reduction of a certain mountainous district of the province of Chili, called Arauca, the inhabitants of which were Indians of uncommon bravery and spirit, who, prompted by their love of liberty and impatience of oppression, had dared to revolt from the dominion of Spain. It is obvious that this is a subject not suited to the grandeur of the *Epopcia*.

peia. This subject, uninteresting and trivial as it is, he has extended to the immeasurable length of thirty-six cantos, crowded with a multiplicity of impertinent digressions, and unconnected incidents. So that this poem may be compared, agreeably to the illustration of Aristotle, to some enormous animal, whose vast and disproportionate dimensions cannot be contemplated at one view. The attention of the poet seems constantly confined to parts; and "how parts relate to parts, or they to whole," he seems either to comprehend or to care very little. His Indian heroes, Cayocupil, Colocolo, Lemoleno, Caupolican, Andalican, &c. make a strange figure in Epic poetry. "This poem," says M. Voltaire, "is more barbarous than the nations who are the subject of it." But this opinion seems to be given pretty much at random; and a poem which Cervantes ranks amongst the choicest treasures of the Castilian muse, and which Spain has admired for two hundred years, cannot be devoid of merit; though it has not as yet attained, nor from the radical defects of the plan is it indeed ever likely to attain, to any high degree of reputation amongst foreign nations.

Of the *Paradise Lost* of MILTON so much has been said, and ably said, that nothing interesting or important seems left to be added. The animadversions of Mr. Addison appear, generally

rally speaking, very just; though it must be confessed they discover no remarkable acumen or depth of critical penetration. The prevailing characteristic of his *critique* is tameness. He sometimes indeed ventures "to hint a fault, and hesitate dislike;" but it has upon the whole too much the air of an elaborate and studied panegyric. "Lord Somers and Bishop Atterbury," says M. Voltaire, "were determined that England should have an Epic poem. A magnificent edition of the *Paradise Lost* was published under their patronage. The suffrage of these great men was the certain means of gaining others. Mr. Addison wrote in form to prove that this poem equalled those of Homer and Virgil. The English were by degrees persuaded to give credit to it; and thus the reputation of Milton was established." It is to be regretted that Mr. Addison, by writing so much *in form*, should have given occasion to this lively satire. No man, however, at other times was more ready to acknowledge the merit of this great poet than Voltaire; who compares the *Paradise Lost*, with all its faults and all its beauties, to the Palace of Versailles; which viewed on one side exhibits a huge and heavy structure, irregular, tasteless, and Gothic—on the other side, whatever architecture can boast most beautiful, magnificent, and sublime. The *Henriade* of M. Voltaire, to pur-

purſue his own alluſion, may be properly enough compared to an airy modern villa, conſtructed indeed according to the rules of art, but ornamented with much gaudy and ſuperfluous decoration. It is ſurprizing that M. Voltaire, who has with ſo much juſtice exclaimed againſt the introduction of the allegorical perſonages of Sin and Death into the *Paradiſe Loſt*, ſhould have adopted a machinery wholly allegorical in his own poem. And this prepoſterous machinery, viewed in connection with the notoriety and recent date of the facts, to which it is by a ſort of poetical violence annexed, throws that air of ridicule over the whole poem, the juſt apprehenſion of which doubtleſs induced a far greater genius in Epic poetry, the author of the *Pharſalia*, to decline the aid of machinery altogether.

It has been warmly contended that the *Telemaque* of Fenelon is properly compréhenſed in the claſs of Epic poems. But whether any proſe compoſition can with propriety be compréhenſed under the denomination of poetry, is a queſtion which muſt be previously determined. This, perhaps, is little better than a verbal diſpute. It ſeems however to introduce a ſtrange confuſion into common language, to ſtile that ſpecies of compoſition a poem, which wants the moſt obvious and diſtinguiſhing characteristic of poetry—verſification. And verſification in the
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hand of a master, is capable of producing such delightful effects, that even those who apply the term *poem* to a prose composition, must acknowledge it destitute of that property which enlivens, animates and ennobles all the rest. Exclusive however of this grand objection, Telemaque has little pretension to praise as an Epic poem. If we except the palpable imitations of Homer and Virgil, the incidents are ill imagined, ill conducted, and the detail insufferably tedious. The action is neither one, entire, nor great. It even has sometimes the effect of a ludicrous *travesti* of the *Odysses*; and we view with a smile Telemachus wandering over the world in vain pursuit of his father, the wanderer Ulysses. That the Goddess of Wisdom should, in the form of a decrepid old man, accompany him in these wild rambles, has rather the appearance of burlesque. And had not *Monf. de Cambray* been in want of a hero for the instruction of his royal pupil, it would certainly have been much better that Telemachus should have remained quietly and peaceably at home, where during the absence of his father his presence was certainly requisite. I mean to speak of this popular performance, as a work which aspires to the rank and dignity of the *Epopée*; for as a mere historical romance, it must be allowed to possess in many respects great merit. It is both elegantly and ingeniously written, but it exhibits no marks of poetic genius.

The last poet of whom it may be necessary to take some notice is Ossian. Mr. Macpherson determined, in imitation of Somers and Atterbury, that Scotland should have an Epic poem; Dr. Blair has, like Mr. Addison, written *in form*, to prove that Fingal and Temora are equal to the Iliad and the Eneid. The Scots begin to believe that they really are so, and thus the fame of Ossian is established. For my part, with the best disposition in the world to admire these famous poems, I acknowledge myself perpetually at a loss even to comprehend them—or to attain any clear ideas either of the action of the poems, the characters, or the situations of the various personages introduced. They leave a confused medley of poetical but gloomy images floating upon the mind, which it is impossible to arrange in any rational order. Dr. Blair himself allows, that “the manner of Ossian is so different from that of the poets to whom we are most accustomed, his style is so concise and so much crowded with imagery, the mind is kept at such a stretch in accompanying the author, that an ordinary reader is at first apt to be dazzled and fatigued rather than pleased.” Now, I have the mortification to find myself included in the class of ordinary readers. I am weary of the *key-note*, as the critic styles it, on which this Bard of other times is perpetually harping; and hear with the
inattention

inattention of disgust of the extended heath by the sea-shore; the mountain shaded with mist; the torrent rushing through a solitary valley; the scattered oaks; and the tombs of the warriors over-grown with moss.

I shall at a venture transcribe, as a specimen of this incomparable poetry, a passage from the third book of Temora, which those who understand, and it is as far as appears equally intelligible with the rest of the poem, are perhaps in the right to admire. "High on cloudy Mora, Fingal shall behold the war. Raise the voice, O Bards! Selma move beneath the sound. It is my latter field; clothe it over with light. On Crona, said the Bards, there bursts a stream by night. It swells in its own dark course till morning's early beam. Then comes it white from the hill, with their rocks and their hundred groves. Far be my steps from Crona! Death is tumbling there. Be ye a stream from Mora, sons of cloudy Morven! Who rises from his car on Clutha? The hills are troubled before the King. The dark woods echo round and lighten at his steel. Selma is opened wide. Bards take the trembling harps. Ten youths bear the oak of the feast. A distant sun-beam marks the hill. The dusky waves of the blast fly over the fields of grass. Why art thou silent, O Selma? The King returned with all his fame. Did not the battle

battle roar? Yet peaceful is his brow. It roared, and Fingal overcame."

Of this strange jargon, may it not be said in the stile and language peculiar to this poet—Thy thoughts are dark, O Fingal! thy thoughts are dark and troubled. They are as a dim meteor that hovers round the marshy lake. Comest thou, son of night, in the darkness of thy pride, as a spirit speaking through a cloud of night? Thou art enveloped in obscurity, chief of Morna! like the moon veiled in a thick cloud. Thy words are dark like songs of old, son of the cloudy Morven!—It must however be acknowledged that some of the smaller pieces of Ossian, were they clothed in the proper dress of poetry, would not be deficient either in elegance or in pathos: and for the honor of Caledonian antiquity, I am disposed to hope, and if possible to believe, that there is no just ground to call in question their authenticity.

ESSAY XXXV.

ON DRAMATIC POETRY.

DRAMATIC poetry, by the universal consent of the critics, ranks next in order and dignity to Epic poetry, and is even by many accounted superior in respect to utility as well as difficulty. The rules laid down by the Stagyrte for the conduct of the Epopee, will for the most part apply with equal propriety to the Drama. There are, however, various observations of the great critic, which are professedly calculated for and only applicable to this latter species of composition.

“ The Epopee,” to transcribe the words of Aristotle himself, “ agrees with Tragedy, in using verse and in employing language as the means of imitation. But it differs from it in adopting the narrative form of composition, and also in regard to length. For Tragedy endeavors, if possible, to confine itself to one course of the sun, or only to exceed it a little; whereas the Epopee is not limited as to duration; and even Tragedy in its origin had the same latitude as Epic poetry.”

The superiority of the Drama when compared

with the *Epopée* is asserted to be in this view manifest, that whatever is essential to the *Epopée* may be found in Tragedy; but many things belong to Tragedy which are not in the *Epopée*.

“Tragedy,” says this celebrated critic, “is an imitation of an important and complete action, possessing a certain degree of magnitude, in language highly ornamented, having its forms distinct in their respective parts by the representation of persons acting, and not by narration; refining and purifying the passions by the means of pity and terror. Tragedy, therefore, being the imitation of an action, the qualities of the agents or persons acting must be derived from manners or sentiment. By the action is meant the combination of incidents; by the manners whatever enables us to decide upon the characters of the agents; and by the sentiments, that by which the intention or opinion of those who speak may be discovered. The end of Tragedy, as he elsewhere observes, is action; and the end is the object principally to be considered in every thing. Actions, therefore, are not represented for the purpose of imitating manners; but manners are comprehended, and characters displayed, by means of the action. Tragedy cannot exist without action; but it may without manners or sentiment; at least the effect of Tragedy would be much rather obtained by a drama which,

which, possessing these properties in an inferior degree, excelled in the choice and disposition of the fable, and in the artful combination of incidents. In a word, action is the soul of Tragedy, the manners holding but the second place. The first is the drawing, the latter only the colouring of the picture. Fables may be either simple or complex; for so are those actions of which fables are an imitation. That I stile, says he, a simple action, which, being connected and uniform, proceeds to the catastrophe without *peripetia*, or an unexpected revolution of fortune; and that a complex action, where the catastrophe is affected by the means of *peripetia*, or discovery, or both. The latter or complex fable being the most perfect form of Tragedy, and Tragedy itself being the imitation of an action capable of exciting pity and terror, it is evident that those who are represented as falling from happiness to misery should not be persons of extraordinary virtue, as that would excite disgust rather than pity or terror. Neither should wicked men be shewn as rising from misery to happiness; for that would be directly opposite to the design of Tragedy, not possessing any one of its requisites, being neither agreeable to our feelings, nor exciting either pity or terror. Neither should a very wicked person be represented as falling from happiness to misery; for though such an arrange-

ment might be agreeable to our feelings, it would excite neither pity nor terror. For one of these passions is excited by the misfortunes of an innocent person; the other by the misfortunes of a person in the same situation with ourselves: pity on account of the distress being undeserved, and terror from the similarity of characters and circumstances. Such an event would therefore be neither terrible nor alarming. The character that remains is the medium between these; a man neither eminently conspicuous for virtue and justice, nor reduced to misery by wickedness and villany; but rather one in high reputation and prosperity, suffering like *Œdipus* or *Thyestes*, or other such illustrious personages. Upon the whole, a fable properly constructed should be simple rather than double: and the change should not be from misery to happiness, but on the contrary from happiness to misery, not on account of wickedness, but from some great error. This being the most perfect form of Tragedy, according to the principles of the art, those who blame Euripides because he pursues this method are themselves wrong. The most certain proof of which is, that dramas of this class produce the most powerful effect in the performance; and that Euripides, though in other circumstances perhaps inferior to other writers, is universally acknowledged to be the most tragical of our poets.

The form which is preferred, however, by some is that which has a different catastrophe for the virtuous and the vicious. But the satisfaction attained by these means is not that which should properly be expected from Tragedy, and arises from the weakness of the spectators, which the poets are induced to follow, and compose their plays to gratify the feelings of the audience. It is a proof of superior skill in the poet, when the fable is so constituted, as that a person only hearing the incidents related should be affected with emotions both of terror and compassion. Such is the action of the Tragedy of *Œdipus*. Those which excite horror instead of terror are totally unfit for the purposes of Tragedy. It is by no means allowable to deviate from received stories, such as *Clytemnestra* being killed by *Orestes*, and *Eriphyle* by *Alcmæon*. But it is the poet's office to invent fables himself, and arrange the circumstances of those received with judgment and propriety. In fine, Tragedies are not to be estimated merely by the fable as it exhibits itself in the progress of the drama, but also with a view to the termination or solution. There are many that form the plot well and the solution ill, though equal skill and attention is necessary in both.

These are the most important hints of information and instruction to be found in Aristotle

respecting the art of dramatic composition. For this great critic does not, in the fashionable mode of modern times, attempt to exhaust the subject on which he treats by a minute, dull, and tedious investigation, equally devoid of animation and sagacity; but seizing with a bold and masterly hand upon those leading points, which are alone worth attending to in the discussion on any question, he presents you with the result of his enquiries, to adopt the happy equivoque of a certain French writer, not *in folio* but *in fructu*.

It is evident that Aristotle, in explaining and illustrating the laws of the drama, had an immediate view and reference to the established modes and arbitrary institutions of the Grecian theatre: and though he has omitted perhaps none of the rules essential to the construction of a perfect drama, he has inserted many which are merely adapted to that particular form of dramatic composition from which the prejudices of the Athenians permitted no deviation. The Grecian Tragedy was the representation of an action continued from the first scene to the last without interval and without interruption, excepting from the occasional reflections of the Chorus, who were the constant auditors and spectators of all that passed. “This mob of confidants,” says Mr. Walpole, “are the unnatural excrescences of a drama, whose faults are admired as much as its

excellences. With all the difference of Grecian and French, or English manners, it is impossible to conceive that Phædra trusted her incestuous passion, or Medea her murderous revenge, to a whole troop of attendants." From this radical absurdity, however, arose that undue stress which the generality of modern critics have placed on what they stile the unities of the drama. The unity or perfect connection of action is indeed clearly founded on the basis of good sense, and is repeatedly mentioned by Aristotle as of primary importance and obligation. But the unities of time and place necessarily resulting from that particular form of dramatic composition established amongst the Greeks he scarcely notices. We are therefore at full liberty to argue the question, which Aristotle has by no means taken upon him to decide, viz. Whether the drama might not with advantage assume another form, in which the unity of action alone should be strictly adhered to, and the unities of time and place might, by virtue of an appeal from authority to reason, be occasionally dispensed with.

The grand argument in favor of a strict adherence to the unities is derived from the near approach to reality which such a representation exhibits, and the consequent strength of the impression which it is calculated to make. The

exactitude of the imitation, however, does not invariably or necessarily constitute the excellence of the imitation. A waxen figure excites disgust, while a statue of marble is viewed with admiration. The truth is, that notwithstanding the closest conformity to these mechanical rules, the difference between the representations of the drama and the scenes which pass before us in real life is so prodigious, that we are not and cannot be for a moment deceived; and if such deception were possible, it would entirely destroy the pleasure derived from the representation. It is obvious also, that by an undeviating adherence to these rules the genius of the poet is embarrassed and fettered; the conduct of the fable is injured; and much perplexity and much absurdity created which might easily be avoided, by allowing that latitude of construction which is necessary to give consistency to the general plan, and probability to the incidents of the drama, by the neglect of which the effect of the whole must be essentially weakened and impaired.

It has been asserted that there is another species of unity more important than all the three combined, upon which the critics have so much insisted—unity of character. This is a species of excellence, however, upon which the Stagyrite himself lays very great stress both in Epic
and

and Dramatic composition. But then the justice of his observation must be admitted, that the fable or action is of primary importance in the formation of a perfect drama, and that character is not to be substituted for incident. And if strength and variety of character will not atone for any radical defect in the construction of the fable, much less will propriety or beauty of sentiment. In the tragedy of Cato the action is cold, uninteresting, and barren of incident. The characters are sketched with a faint and powerless pencil: but the sentiments are noble and elevated, expressed in language highly poetical, and for the most part justly and happily adapted to the respective characters. But is the great end of Tragedy attained? Is pity or terror excited? Do we glow, and tremble, and weep? No—we are contented calmly to admire; and are solely attentive, as Dr. Johnson has remarked, not to what is done, but merely to what is said. Even *Comus* and *Samson Agonistes* must be acknowledged essentially deficient as dramas, however justly they are celebrated as the effusions of a brilliant imagination or an elevated genius. With respect to the general style of dramatic composition, we find that Aristotle is of opinion, that Tragedy admits, and even requires higher dignity and elevation of language than the *Epopœia* itself. As the *Epopœe* may
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with propriety occasionally assume a dramatic form, the higher beauties of poetry are not however the exclusive property of the drama. But it must be acknowledged, that the actual representation and expression of passion will, in the hands of a master, be accompanied with that energy and force of language which no mere description, however highly coloured, can reach; and which must exhaust all the magic of that art by which, as by some potent spell, the poet at his pleasure inflames and fascinates the soul. The bold and glowing expressions which so happily correspond with the tone of the passion when actually represented, must, when the action is converted into narration, appear strained, turgid, and unnatural. Had Shakespeare feared to excite the laughter of the critics by introducing the ghost of buried Denmark upon the stage, and this incident had been thrown by the poet into narrative, how, for instance, could the lofty and daring images which Hamlet's apostrophe to the apparition at present exhibits, have found a place? In a word, as narration must ever necessarily confine itself to the description of passion, it cannot adopt the genuine language of passion, which affords the most unlimited scope for the highest flights of poetry. It must therefore ever remain comparatively tame and spiritless.

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The generality of critics have asserted that the fable of a Tragedy ought to be perfectly simple; and that the attention ought not to be divided by any collateral or subordinate action. This opinion Aristotle seems to favor, though he admits that excellent dramas have been composed on the contrary plan. There is another sense however in which he contends that a tragedy ought not to be simple but complex. By this, as he explains himself, we are to understand that in his opinion a *peripetia*, or revolution of fortune, is essential to the perfection of dramatic action; the word *ἀπλός* being opposed not as in the first instance to *διπλός*, but to *πεπλεγμένος*. In a case so doubtful, the authority of Aristotle may be allowed to decide: but there are, nevertheless, many fables admirably adapted for the purposes of Tragedy, which do not admit of that revolution of fortune upon which the great critic lays perhaps rather too much stress; though it may indeed heighten the general effect where it can be introduced without apparent violence. In the Tragedy of Lear, we feel disappointed, and almost angry, that a revolution of fortune does not take place in favor of the venerable old monarch. But in that of Othello, dramatic propriety manifestly requires the most perfect simplicity of action; and we plainly perceive that the catastrophe could neither be prevented nor

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impeded by any revolution of fortune which would not essentially injure the conduct of the fable.—And we mourn over the fate of Desdemona with emotions very different from those excited by the death of Cordelia. For though the drama of Lear had terminated in happiness, the fable would still have remained highly important, interesting, and tragic.

If in any respect the critique of Aristotle appear too fastidious or fanciful, these faults are perhaps chiefly discernible in the rules which relate to the conduct of the fable. Having once advanced the position, that pity and terror are the means by which the moral purposes of the drama are to be effected, he is compelled for the sake of his hypothesis to maintain, that those who are represented as falling from happiness to misery, should neither be persons of extraordinary virtue, as that would excite disgust rather than pity or terror; nor on the other hand should they be persons of flagitious character, as in this case we should feel neither pity nor terror, but complacency and satisfaction. But though pity and terror must ever be considered as the grand movements of tragic, I do not comprehend the necessity or propriety of the absolute exclusion of all other passions. When a virtuous man is plunged into the depths of misfortune, the passion of pity is doubtless excited; and that pity

is combined if not with terror, at least with that sublime species of admiration which may serve as a very proper ground-work for Tragedy, and which may be made subservient to the noblest moral purposes. The death of Socrates for instance would be a very proper subject for the drama; and if disgust, as Aristotle affirms, be in fact excited by a catastrophe of this nature, it must be owing to a radical defect of art or genius in the poet. For a virtuous man, as Seneca observes, nobly struggling with misfortune, is a spectacle which even the gods may regard with pleasure. Also if a man of profligate or abandoned character should be represented as falling from happiness to misery, though neither pity nor perhaps terror would be excited, yet might the mind be inflamed by a train of artful and well imagined incidents with that abhorrence of moral depravity, and that indignation against it, which should in an equal or superior degree effect the purposes, which the great critic is so laudably solicitous to accomplish. Who can contemplate the characters of a Zanga, or an Iago for instance, or of the royal sisters Goneril and Regan, and the direful consequences of such atrocious guilt as it affects the guilty themselves, without feeling their passions *purified* by the conflict of those emotions, which such a view must inevitably and mechanically

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"The judgment of the heavens which makes us tremble,
Touches us not with pity." SHAKESPEARE

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It is proper to add, that the ideas of Aristotle respecting poetical justice differ very materially from those of the most modern celebrated critics. He is satisfied if a general impression is by some means made in favour of virtue: but the fashionable doctrine both of moralists and critics in these times is, that virtue and happiness are constant concomitants: and it is regarded as a kind of dramatic impiety, to maintain that virtue should not be rewarded nor vice punished in the last scene of the last act of every Tragedy. This conduct in our modern poets is, however, extremely injudicious; for it labours in vain to inculcate a doctrine in theory which every one knows to be false in fact—*viz.* that virtue in real life is always productive of happiness, and vice of misery. Thus Congreve concludes his tragedy of the Mourning Bride with the following unwarrantable and inconclusive couplet.

“Hence learn, what blessings wait on virtuous deeds;
And though a late, a sure reward succeeds.”

When a man eminently virtuous, a Brutus, a Cato, or a Socrates, finally sinks under the pressure of accumulated misfortune, we are not only led to entertain a more indignant hatred of vice, than if he rose triumphantly from his distress, but we are inevitably induced to cherish the sublime idea, that a future day of retribution
will

will arrive, when he shall receive not merely poetical but real and substantial justice. The proper catastrophe of a Tragedy must, however, be determined by the nature and circumstances of the fable: and it would have been as absurd in Shakespeare, to make the Tragedy of Othello terminate in happiness, as in Racine that of *Athalie* in the reverse. And of these two chef-d'œuvres of the modern drama it may be remarked, that *Athalie*, though a most beautiful, regular and faultless performance, is itself a striking proof how much art may be excelled by nature. For with all its eccentricities, the general effect produced by the Tragedy of Othello is so prodigiously superior, that were we not fully apprized of the unparalleled force and grandeur of the genius of Shakespeare, we might be tempted hastily to condemn all rules of composition as totally useless; and seriously to approve the language of one of the heroes celebrated in the *Dunciad*, who being advised, as Mr. Pope tells us, by a friend to whom he declared his intention of writing a Tragedy, previously to study the critics in order to acquire a perfect knowledge of the laws of the drama, coldly and contemptuously replied, "SHAKESPEARE wrote without any knowledge of rules."

F I N I S.

